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1 — Company Co-Owner Pleads Guilty in Industrial Site Explosion, U.S. News, 12/18/17

<https://www.usnews.com/news/best-states/louisiana/articles/2017-12-18/1-co-owner-pleads-guilty-in-camp-minden-explosion>

One of the owners of a company that abandoned thousands of tons of potentially explosive artillery propellant in Louisiana has admitted lying in order to be awarded federal contracts to "demilitarize" the smokeless powder, known as M6. Explo Systems co-owner David Alan Smith, 62, of Winchester, Kentucky, filed a plea bargain Thursday in federal court pleading guilty to one count each of conspiracy and making false statements.

2 — What It's Like Inside the Trump Administration's Regulatory Rollback at the EPA, ProPublica, 12/18/17

<https://www.propublica.org/article/inside-trump-regulatory-rollback-epa>

Administrator Pruitt has made a commitment to refocus the Agency back to its core mission of protecting human health and the environment, restore power to the states through cooperative federalism, and improve processes by adhering to the rule of law," the spokeswoman told ProPublica. "This includes a review of regulations passed by the previous administration that may impose unwarranted burdens or exceed our statutory authority

3 — House plan would increase Trump's disaster aid request, Reuters, 12/19/17

<https://www.reuters.com/article/us-usa-storms-aid/house-plan-would-increase-trumps-disaster-aid-request-idUSKBN1EC2S4>

Republicans in the U.S. House of Representatives unveiled on Monday an \$81 billion aid package to deal with hurricanes and wildfires, far above President Donald Trump's \$44 billion request. The legislation would help Puerto Rico and several states recover from devastating hurricanes and California and other Western states cope with wildfires.

4 — OPINION: John Berrey: Politico got it wrong on Tar Creek, Joplin Globe, 12/19/17

http://www.joplinglobe.com/opinion/columns/john-berrey-politico-got-it-wrong-on-tar-creek/article_96e18c96-8e7d-51b4-bccc-8ab81e6d9575.html

As the longtime chairman of the Quapaw Tribe of Oklahoma, I take strong exception to the Dec. 6 article by Politico's Malcom Burnley ("The Environmental Scandal In Scott Pruitt's Backyard"), which showed Burnley to be an accomplished ax-grinder. This piece indicated that Oklahoma Sen. Jim Inhofe bears significant blame for the complicated nature of the cleanup of the Tar Creek Superfund site located on Quapaw land in Northeast Oklahoma.

5 — UPDATE: State Rep. Ron Reynolds address concerns about Wednesday's gas well blowout, Community Impact, 12/18/17

<https://communityimpact.com/houston/sugar-land-missouri-city/city-county/2017/12/18/update-state-rep-ron-reynolds-address-concerns-wednesdays-gas-well-blowout/>

State Rep. Ron Reynolds, D-Missouri City, held a press conference Monday concerning the gas well blowout that took place Dec. 6, saying representatives from the Texas Commission on Environmental Quality are still monitoring the air, according to a statement released by Reynolds' office.

6 — Oil plumes found at site of 13-year-old leak off Louisiana's coast, Washington Post, 12/18/17

https://www.washingtonpost.com/business/oil-still-leaking-at-site-of-13-year-old-spill-in-gulf/2017/12/18/b1a4bcae-e425-11e7-927a-e72eac1e73b6_story.html?utm_term=.c798f9bd339d

Federal regulators have found fresh evidence of an "ongoing oil release" at the site of a 13-year-old oil leak in the Gulf of Mexico, where chronic sheens often stretch for miles (kilometers) off Louisiana's coast, according to government lawyers. In a court filing Friday, Justice Department attorneys said recent scientific surveys revealed two plumes of oil and gas flowing from where an underwater mudslide during Hurricane Ivan in 2004 toppled an offshore platform and buried the cluster of wells owned by Taylor Energy Corp.

7 After Harvey, some South Texans more wary than ever about plan to build landfill near floodplain, Texas Tribune, 12/18/17

<https://www.texastribune.org/2017/12/19/after-harvey-some-south-texans-more-wary-ever-about-plan-build-landfil/>

Nearly four months ago, Hurricane Harvey's rainfall inundated ultra-polluted Superfund sites in and around Houston, triggering the leak of hazardous waste. Now, 300 miles south near Laredo, a company's efforts to develop a landfill in close proximity to a 100-year floodplain is drawing fresh concerns in light of the environmental problems that emerged in Harvey's wake.

8 — In search of a flood fix, one Houston community turned to a golf course, Texas Tribune, 12/17/17

<https://www.texastribune.org/2017/11/17/search-flood-control-solution-one-houston-community-turned-golf-course/>

In 50 years living in Clear Lake City, Spyros Varsos had never seen the floodwater get so high. During a historic rainstorm two years ago, he watched anxiously as it quickly accumulated in the street outside his three-bedroom home. So this summer when even heavier rains drenched the greater Houston area in the wake of Hurricane Harvey, he was even more fearful. But his home didn't flood. For that, he credits some precautions he took of his own, like clearing debris from the drains on his street. What he said made an even bigger difference, though, was a nearby flood control project that wasn't even completed yet.

9 — 'No one is exempt from the aftermath', Greenwire, 12/18/17

<https://www.eenews.net/greenwire/2017/12/18/stories/1060069277>

The road from central San Juan to the Western Coastal Valley is flanked by fallen telephone poles, downed power lines and trees whose mangled trunks bend northwest, the direction traveled by Hurricane Maria. Almost three months since the Category 5 monster's rampage, government trucks are still hauling away storm debris as cars inch timidly through intersections without working traffic lights. The hurricane left Puerto Rico's 3.4 million residents without power, and parts of the island remain in the dark.

10 — Texas criticized for lack of transparency in spending, Greenwire, 12/15/17

<https://www.eenews.net/greenwire/2017/12/18/stories/1060069273>

Awarded billions of dollars in federal aid after Hurricane Harvey, Texas has been accused of a lack of transparency in how the money is spent. Records do not show whether contracts and expenditures are storm-related, which makes tracking funds difficult. For example, a Legislative Budget Board report shows the state Health and Human Services spent more than \$1 billion but offers no details on where the money went.

11 — Groups sue, petition EPA in Texas haze fight, Houston Public Media, 12/18/17

<https://www.houstonpublicmedia.org/articles/news/energy-environment/2017/12/18/257285/environmental-groups-sue-epa-over-latest-texas-haze-rule/>

Environmental groups are opening two new fronts in the long-festering battle over cleanup requirements for coal-fired power plants in Texas under U.S. EPA's regional haze program. In a lawsuit filed late Friday, the National Parks Conservation Association and two other groups asked the 5th U.S. Circuit Court of Appeals to review what they called a "do-nothing" plan published by EPA in October.

12 — Railroad Commission still a nonbeliever on ties between North Texas earthquakes, injection disposal wells, Dallas Morning News, 12/13/17

<https://www.dallasnews.com/opinion/editorials/2017/12/13/railroad-commission-still-nonbeliever-ties-north-texas-earthquakes-injection-disposalwells>

North Texas' seismic tremors aren't predictable, unlike the Texas Railroad Commission's response to earthquake swarms. A study published recently in the journal Science Advances concludes that high-pressure wastewater injection disposal wells used to bury fluids from hydraulic fracturing activities revived dormant faults near Dallas. Like clockwork, the Railroad Commission insists again that this isn't a conclusive link between earthquake swarms and oil and gas activity.

13 White House reviews EPA bid to repeal oil and gas guidelines, Greenwire, 12/18/17

<https://www.eenews.net/greenwire/2017/12/18/stories/1060069287>

U.S. EPA is proceeding with its planned repeal of Obama-era guidelines intended to curb smog-forming emissions from existing oil and gas operations. The agency forwarded a proposed withdrawal notice Friday of the "control techniques guidelines" to the White House Office of Management and Budget for a standard review, according to the Reginfo.gov website. That was one day after the agency leaders telegraphed their interest in repeal with a short notice in their latest rundown of planned regulatory actions (Greenwire, Dec. 15).

14 EPA considers new carbon rule for power plants, Chron, 12/18/17

http://www.chron.com/business/energy/article/EPA-considers-new-carbon-rule-for-power-plants-12439436.php?utm_campaign=twitter-desktop&utm_source=CMS%20Sharing%20Button&utm_medium=social

The Trump administration appears to be moving towards placing some restrictions on greenhouse gas emissions from power plants, ahead of what is expected to be a long legal fight over the administration's plan to repeal a similar regulation put in place by former president Barack Obama. The Environmental Protection Agency stated it is considering "considering proposing emission guidelines to limit greenhouse gas (GHG) emissions from existing" power plants and is seeking public comment on "the proper respective roles of the state and federal governments in that process," according to an internal document obtained by Axios.

15 City shifts from water tanks to well reserves, Gonzales Inquirer, 12/19/17


<http://www.swtimes.com/news/20171216/fort-smith-in-preliminary-stages-of-consent-decree-renegotiation>

On Friday, Dec. 15, the City of Gonzales shifted water delivery from the city's water supply tanks to the city's water well system. According to city officials, this measure has been taken to address residents' concerns over particulate in the water supply. According to City Manager Sean Lally, the water has been tested and particles were found in the water supply. The samples have been sent to Texas Commission on Environmental Quality (TCEQ).

Company Co-Owner Pleads Guilty in Industrial Site Explosion

One of the owners of a company that abandoned thousands of tons of potentially explosive artillery propellant in Louisiana has admitted lying in order to be awarded federal contracts to "demilitarize" the smokeless powder, known as M6.

Dec. 18, 2017, at 5:40 p.m.

 (<https://www.facebook.com/usnewsbeststates>)

AP

By JANET McCONNAUGHEY, Associated Press

NEW ORLEANS (AP) — One of the owners of a company that abandoned thousands of tons of potentially explosive artillery propellant in Louisiana (</news/best-states/louisiana>) has admitted lying in order to be awarded federal contracts to "demilitarize" the smokeless powder, known as M6.

Explo Systems co-owner David Alan Smith, 62, of Winchester, Kentucky (</news/best-states/kentucky>), filed a plea bargain Thursday in federal court pleading guilty to one count each of conspiracy and making false statements. Smith also admitted lying about selling demilitarized powder to another company. As part of the conspiracy plea, he admitted preventing authorities from properly monitoring Explo's operations at Camp Minden, a 15,000-acre (6,100-hectare) industrial site owned by the Louisiana National Guard in north Louisiana.

The maximum penalty for each count would be five years in prison and a \$250,000 fine. Under the plea agreement, he could also be required to compensate the federal government for \$35.4 million, including \$8.7 million in contract losses plus cleanup costs after an October 2012 explosion at Camp Minden, Acting U.S. Attorney Alexander Van Hook said in an emailed statement.

The judge could order other defendants to pay all or part of the restitution.

Federal prosecutors agreed to drop most charges against Smith: 21 counts of making false statements and six of wire fraud.

The magistrate before whom he appeared last week filed papers Monday recommending that U.S. District Judge Elizabeth E. Foote approve the agreement.

A second owner of the company and four company executives are scheduled for trial April 26 on similar federal charges. They are: co-owner David Perry Fincher, 70, of Burns, Tennessee (</news/best-states/tennessee>); William Terry Wright, 64, of Bossier City, the operations manager at Camp Minden; Kenneth Lampkin, 65, and Lionel Koons, 58, both of Haughton; and Charles Callihan, 68, of Shreveport.

com%2Fnews%2Fbest-states%2Flouisiana%2Farticles%2F2017-12-18%2F1-co-owner-pleads-guilty-in-camp-minden-explosion%3Fsrc=usn_tw&text=Company%20Co-Owner%20Pleads%2Fbest-states%2Flouisiana%2Farticles%2F2017-12-18%2F1-co-owner-pleads-guilty-in-camp-minden-explosion%3Fsrc=usn_tw) Smith. Fincher, Smith, and Wright also face state charges. Fincher and Smith have pleaded not guilty to 10 state counts of unlawful storage and reckless use of explosives. Prosecutors have been waiting until federal charges are resolved to deal with those.

Explo Systems left 7,800 tons (7,100 metric tons) of M6 and 160 tons (145 metric tons) of clean-burning igniter at Camp Minden when the company went bankrupt in 2013.

Louisiana State Police had begun investigating the company in 2012, after the explosion in one of Explo's leased bunkers and a nearby trailer shattered windows 4 miles (6 kilometers) away in Minden and created a 7,000-foot (2,130-meter) mushroom cloud and derailed 11 rail cars near the bunker.

The bunker had held about 62 tons (56 metric tons) of smokeless powder and the trailer had held about 12 tons (11 metric tons) of demilitarized M6, according to a news release from the U.S. Attorney's Office.

Much of the remaining material was in bags out in the open, state police said.

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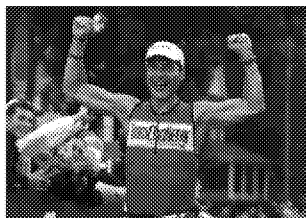
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Dec. 19, 2017

Two Republican state representatives face each other in a northwestern Wisconsin primary race for an open state Senate seat.

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21-Year-Old Faces Manslaughter After Murder Charge Dismissed (<https://www.usnews.com/news/best-states/wyoming/articles/2017-12-19/21-year-old-faces-manslaughter-after-murder-charge-dismissed?int=news-rec>)

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A judge dismissed a second-degree murder charge for a 21-year-old accused of killing his roommate.

Appeals Court Dumps Judge's Dispute With Town Over Records (<https://www.usnews.com/news/best-states/north-carolina/articles/2017-12-19/appeals-court-dumps-judges-dispute-with-town-over-records?int=news-rec>)

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A North Carolina is throwing out a judge's lawsuit to force the police department that detained his adult son to provide more of their internal records to the public.



Honda to Unveil New Compact Gas-Electric Hybrid Sedan

(<https://www.usnews.com/news/best-states/michigan/articles/2017-12-19/honda-to-unveil-new-compact-gas-electric-hybrid-sedan?int=news-rec>)

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Honda says it will unveil a new five-passenger gas-electric hybrid sedan at the Detroit auto show next month.

(<https://www.usnews.com/news/best-states/michigan/articles/2017-12-19/honda-to-unveil-new-compact-gas-electric-hybrid-sedan?int=news-rec>)

Detroit Police Testing Out Stun Guns for Use by Officers (<https://www.usnews.com/news/best-states/michigan/articles/2017-12-19/detroit-police-testing-out-stun-guns-for-use-by-officers?int=news-rec>)

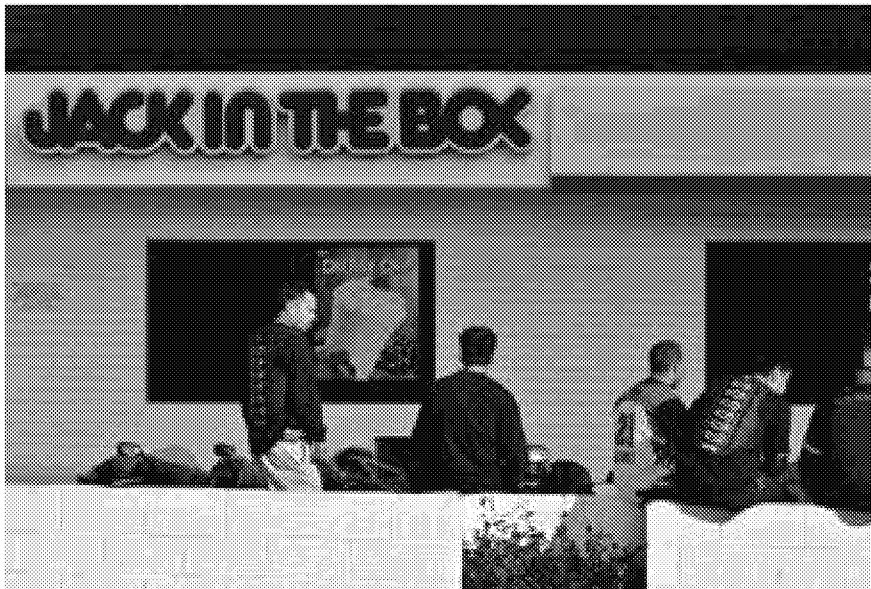
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The Detroit Police Department is testing out stun guns and is working to determine how officers will use them.

Buster's Plight Helps Put Spotlight on Special Needs Animals (<https://www.usnews.com/news/best-states/pennsylvania/articles/2017-12-19/busters-plight-helps-put-spotlight-on-special-needs-animals?int=news-rec>)

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Cambria County Humane Society knows 2-year-old pit bull mix Buster's story - ears that were cropped incorrectly, heartworm disease and a spine injury that healed improperly, causing his back legs to collapse at times.



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Jack in the Box selling Qdoba to private equity firm for \$305 million in cash.

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Justice Department May Facilitate Forum in Topeka (<https://www.usnews.com/news/best-states/kansas/articles/2017-12-19/justice-department-may-facilitate-forum-in-topeka?int=news-rec>)

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The U.S. Department of Justice may facilitate a public forum next month in Topeka to hear concerns from residents about the fatal police shooting of Dominique White.

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Scott Pruitt, once a longtime opponent of the Environmental Protection Agency, is now at its helm, spearheading a push to roll back regulations at a scale staffers say is unprecedented. (Tim McDonagh, special to ProPublica)

What It's Like Inside the Trump Administration's Regulatory Rollback at the EPA

The fate of a rule more than a decade in the making is a microcosm of larger changes afoot.

by **Talia Buford**, Dec. 18, 12:17 p.m. EST



Betsy Southerland knew something was wrong the moment she walked into her office at the Environmental Protection Agency.

It was 8 a.m. on a Thursday in April and already, her team was waiting at her door, computer printouts in hand.

For months, staffers in the Office of Water had been in help-desk mode, fielding calls from states implementing a federal rule that set new limits on water-borne pollution released by coal-fired power plants. The rule on what is known as “effluent” had been hammered out over a decade of scientific study and intense negotiations involving utility companies, White House officials and environmental advocates. The EPA had checked and rechecked its calculations to make sure the benefits of the proposed change outweighed the cost to the economy.

But now, members of Southerland’s team were handing her a press release, firing questions as her eyes skimmed the page. *Did she know about this? Had she seen it? What happened?*

The announcement from EPA Administrator Scott Pruitt said the agency was considering undoing the rule. “This action is another example of EPA implementing President Trump’s vision of being good stewards of our natural resources, while not developing regulations that hurt our economy and kill jobs,” the release said.

Southerland was stunned. In three decades as a career staffer at the EPA, she’d never seen an administrator describe a regulation in such terms. As director of science and technology for the office, she also had never learned of such a major change of direction from a press release. She couldn’t give her team any answers. “I was as clueless as they were,” Southerland recalled.

Since Trump was elected, dozens of environmental rules have been either opened for reconsideration or overturned altogether. These regulations would have had far-ranging effects, from banning hazardous pesticides and offshore oil drilling to stopping coal-mining debris from being dumped into local streams to forbidding hunters from shooting Alaskan wolves on wildlife refuges. They would have required infrastructure projects to be built to higher flood standards and greenhouse gas emissions to be limited and tracked.

ProPublica took a close look at the effluent rule, which was one of the most scrutinized and meticulously researched of the regulations the new EPA leadership is preparing to overturn. Longtime staffers and environmental experts say it is an instance in which science and prevailing industry practices were swept aside to benefit a handful of coal-fired power plants that were having trouble meeting the new standards.

A spokeswoman for the EPA said the change of direction is part of a broader push to eliminate unnecessary federal rules.

“Administrator Pruitt has made a commitment to refocus the Agency back to its core mission of protecting human health and the environment, restore power to the states through cooperative federalism, and improve processes by adhering to the rule of law,” the spokeswoman told

ProPublica. “This includes a review of regulations passed by the previous administration that may impose unwarranted burdens or exceed our statutory authority.”

Many of the rules were years or even decades in the making, and the sheer speed with which they’ve been cast aside has left the EPA staffers who helped craft them shaken.

It has also deepened the chasm between the agency’s top decision-maker and his agency’s longtime staff. Pruitt’s opposition to EPA regulation was a defining feature of his career before he took the agency’s reins. As Oklahoma’s attorney general, he sued the EPA repeatedly and blasted its rules as overreaching. Since taking the administrator post, it’s been reported that he’s given lobbyists broad access and appointed people to key jobs who have close ties to the industries they are overseeing.



Betsy Southerland, a former EPA staffer shown near her home in Virginia, says she has seen “a long-planned assault on the agency.” (Jared Soares for ProPublica)

To the Trump administration and its supporters, this is no more than a long overdue balancing of the scales. In any administration, one side is always happier than the other, said Fred Palmer, a senior fellow at the Heartland Institute, a free-market think tank. “They are not being listened to because they disagree with the agenda of the President of the United States who, at the end of the day, is their boss,” he said of EPA staffers, “like it or not.”

Pruitt’s interaction with Southerland and her team on the effluent rule reflects the degree to which the EPA is now shutting its own staff out of the decision-making process.

Under previous administrations, Republican and Democratic alike, Southerland said staffers could make their case to agency leaders, presenting the scientific evidence behind rule-making proposals and other regulatory decisions. They didn’t always win the day, but they often managed to hold onto the provisions they considered most important.

But under Pruitt, she and others said, EPA’s career staffers have seen their access to the agency’s leadership dwindle. More importantly, their arguments no longer have much influence on the rapid-fire series of decisions announced by Pruitt.

“This has been a long-planned assault on the agency, not some serendipitous thing,” Southerland said. “(Staffers) now understand that the overall process will be to repeal everything requested by industry.”

Lagging Behind

The long road to the revamped effluent rule began in 2005.

“Effluent” is wastewater that is allowed to be discharged into rivers and lakes, a byproduct of 59 different industries, from commercial animal farms and landfills to soap companies and dental offices. This wastewater often contains dangerous toxins.

The Clean Water Act — a bedrock environmental protection that sought to make American waters “fishable and swimmable” — requires the EPA to set limits on toxins found in effluent. The rules must be updated every five years to keep up with advances in the technology that filters out dangerous chemicals.

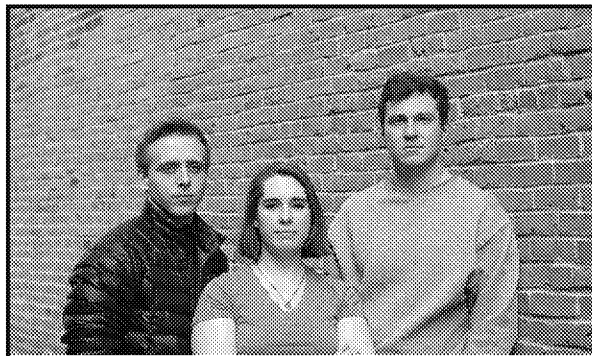
Within the EPA, this task belonged to the Office of Science and Technology, a team of more than 100 scientists, engineers and economists within the Office of Water who develop standards to protect water safety and recommend limits for levels of contaminants. To update the effluent limits, the team had to understand how much each industry was polluting the water, how each processed its waste and how that process was evolving.

But the sheer volume of effluent-generating industries made it impossible for the office to revise the rules every five years. So, the office set priorities.

Every year, the office reviewed pollutant discharges reported by companies and ranked them into categories that posed hazards to human health and the environment. In 2003, EPA’s screen found that coal plants ranked high in discharges of toxins and pollutants.

To keep coal ash — the carcinogenic leftovers from burning coal — from winding up in the air, some power plants use what are called scrubbers to trap it. Those scrubbers need to be cleaned, and the residue is mixed with water and stored in ponds. To keep those ponds from overflowing, plants ultimately release effluent into nearby waterways. It’s a potentially hazardous process. Effluent from coal ash contains mercury, arsenic, lead and selenium — elements linked to an increased risk of lower IQs in children, cancer and organ damage.

In the mid-’00s, when the EPA’s concern about effluent from coal ash ponds grew, federal rules were silent on these toxins. The limits focused on curbing oil, gas and total suspended solids — the visible stuff floating in coal ash wastewater. The regulations hadn’t been revised since 1982.



Ada, OK: This Brilliant Company Is Disrupting A \$200 Billion Industry

EVERQUOTE

There was a growing body of studies and news reports detailing the damage caused by chemical contaminants from coal plant wastewater. Researchers learned of fish turning up deformed and dead, and bullfrogs found crippled, missing entire rows of teeth. There were reports about coal ash ponds leaking and contaminating nearby groundwater. Drinking wells were poisoned in Maryland and Indiana.

The office needed more data to form the basis of a new rule. It started collecting it in 2005.

First, staffers needed to understand what technologies companies were using to control pollution from coal plants, how much it cost and how clean the wastewater could get. They created a 391-page questionnaire that would ultimately reach 733 facilities.

In 2006, EPA scientists started visiting power plants to better understand how they operated. This launched eight years of study that took them to 73 facilities in 18 states. They collected samples to understand how different types of coal polluted the water and how well different treatment systems performed. Their investigation took them all the way to southern Italy, where a power plant in Brindisi was using an advanced wastewater evaporation process to protect an aquifer.

By 2009, the office reported their findings, saying it was clear newer technologies were available to “significantly reduce” the presence of harmful pollutants in public water, and that existing regulations were far out of date.

The office had the evidence it needed to move forward with stronger limits on coal plant effluent.

Stuck In the Middle

Even as the EPA prepared to move forward on a rule, environmentalists grew concerned about reports on coal ash wastewater. On top of that, the Obama administration was strengthening rules to keep coal plants from pumping toxins like mercury into the air. If the rule went through, coal plant scrubbers would capture even more toxins, much of which would eventually end up in coal ash ponds that would discharge effluent.

“You’re taking the pollution out of the air and putting it into the water,” said Jennifer Peters, national water programs director at Clean Water Action. “That triggered concern within EPA and the environmental community wanting to ensure that they’re not just moving the pollution problem around.”

Environmentalists prodded the EPA to look at the danger to both the air and the water, but officials were in the thick of revising other regulations. So in 2010, several environmental groups sued the agency to force it to get the new effluent rule out sooner.

In a consent decree, reached in November 2010, the EPA agreed to propose an updated effluent rule by 2012, with a final rule coming no later than 2014. But there was a complicating factor.

Another EPA branch — the Office of Land and Emergency Management — was drafting another rule about coal ash waste. Called the Coal Combustion Residuals rule, it was aimed at making sure coal ash ponds and landfills were structurally sound. The two rules needed to work in harmony, but scientists from each office had collected data in different ways. The data needed to be standardized, and distinct costs and benefits assigned to each rule. The benefits of each rule had to justify the costs — a Clinton-era reform designed to limit excessive regulation.

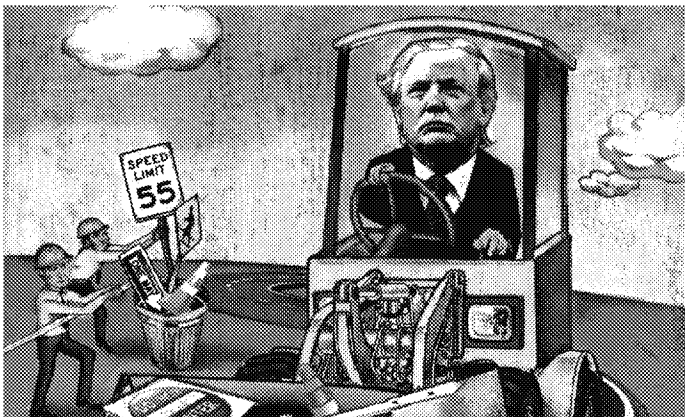
The task fell to the Office of Science and Technology, which Southerland had just taken over after leaving another branch of the EPA. The analysis took longer than expected.

“We kept asking for delays because we kept having to redo the analysis on both rules to make sure we weren’t double counting the benefits,” Southerland said.

By now, her office was confident in its research, which showed some companies were using biological and chemical processes to clean wastewater. These other processes drastically reduced the toxins that ended up in the water, as well as the amount of water that needed to be released.

Southerland’s office crafted a rule that set limits on the amount of toxins that could be discharged. And though it didn’t specifically forbid using coal ash ponds, the rule would have forced plants to use technologies that could meet the more stringent limits.

Read More



It was time to take the proposed rule to the next phase.

In January 2013, the EPA submitted it to the White House’s Office of Information and Regulatory Affairs, a forum for other agencies to review pending regulations and for lobbyists to weigh in. OIRA is a gatekeeper for all federal rules and needs to give final approval for any rule.



Trump Has Secretive Teams to Roll Back Regulations, Led by Hires With Deep Industry Ties

We've found many appointees with potential conflicts of interest, including two who might personally profit if particular regulations are undone.

The substance of OIRA meetings are confidential, but public logs show that utility industry lobbyists and lawyers had ample opportunity to make their case.

In the end, the Obama administration office approved coal ash ponds as the “best available technology,” contrary to EPA’s recommended option. OIRA also recast some of the scientific findings and softened language toward coal

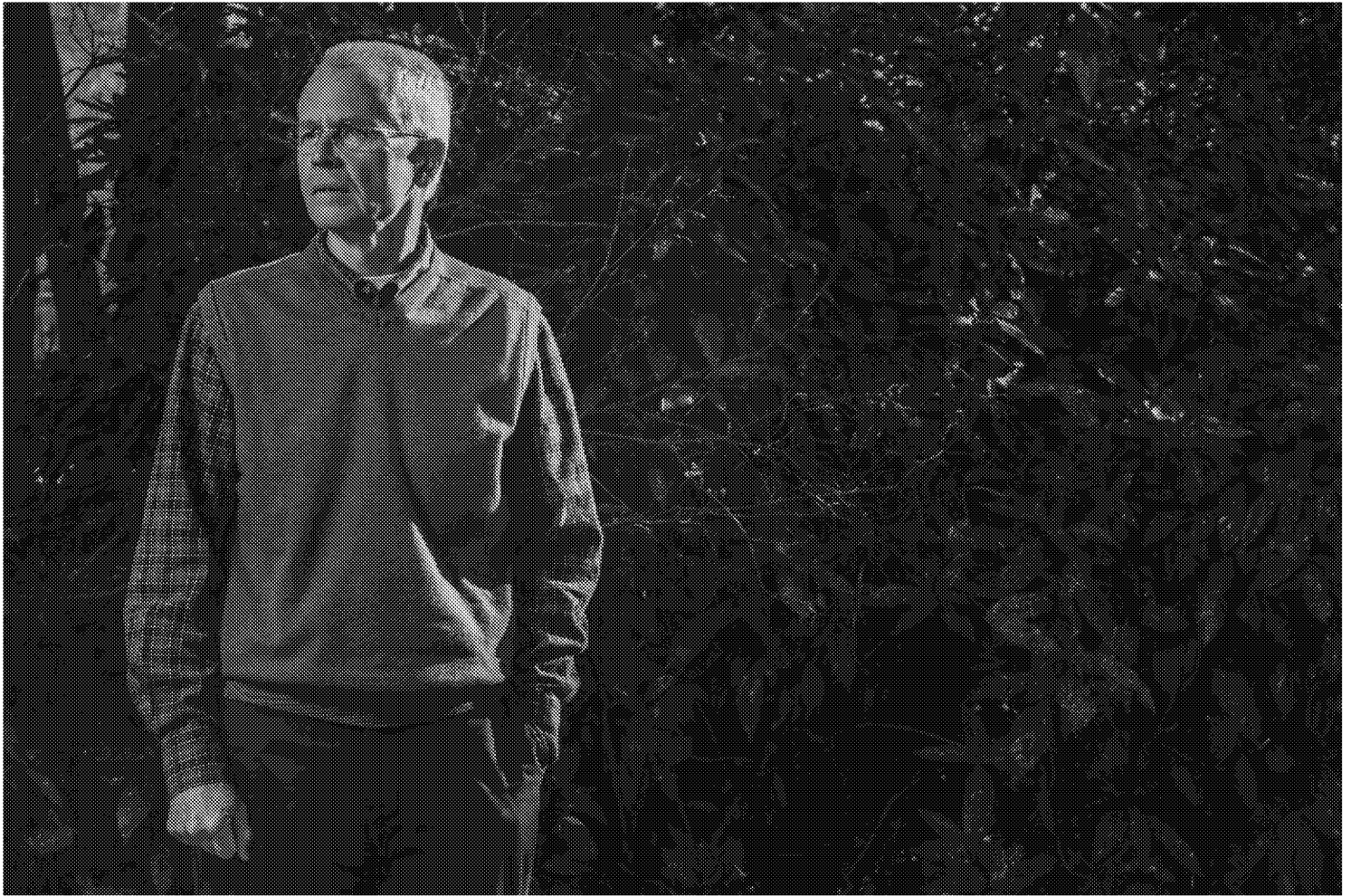
utilities while finding that the benefits of the rule were less than the EPA had projected.

When the proposed rule went out for public comment, utilities argued the EPA was underestimating its cost, that wastewater was already being addressed through other regulations and that there was no proof that newer technologies were more effective in reducing the concentration of toxins in wastewater. Environmentalists had their own complaints, pressing the agency to eliminate wastewater discharges entirely and arguing the proposed regulations would likely lead to new coal ash ponds.

In all, more than 200,000 members of the public weighed in during the four-month comment period, largely due to letter-writing campaigns from environmental groups. A California woman recounted how industrial coal processing chemicals fouled water in West Virginia, leaving her friends with unsafe water for weeks. A West Virginia woman pleaded for help: “One thing’s for certain — our state oversight of this immense environmental legacy is sorely lacking and we desperately look to the EPA to stand up for us!”

Industry weighed in as well, often attaching voluminous studies and additional monitoring data to their comments. Southerland said she led the team in around-the-clock analyses to see if the industry-provided data affected the calculations that went into the rule.

At the same time, Southerland’s boss mounted a campaign to push OIRA to approve EPA’s original version of the rule.



Ken Kopocis, the former top official in the EPA's water office (Jared Soares for ProPublica)

Ken Kopocis, a lawyer who worked on Capitol Hill for more than 25 years before Obama nominated him to lead the Office of Water, said he appealed to “high-ranking” officials in the Office of Management and Budget, which oversees OIRA, and also the White House, walking them through the research.

“My people in Water didn’t think we were going to be able to get the rule we wanted,” Kopocis said. “I said, ‘No, we’re going to fight for it and we’re going to get it.’ ... OIRA is full of capable people. But they don’t know as much as the agency does.”

Kopocis’ strategy worked: He was able to convince OIRA to reverse its initial decision.

The final rule, released on Sept. 30, 2015, substantially mirrored EPA’s original proposal, setting strict limits, for the first time, on the amount of selenium, arsenic, mercury and nitrate utilities could discharge. It didn’t prescribe a specific technology plants needed to use to achieve this goal, but it said the tougher limits couldn’t easily be met using coal ash ponds.

This rule was “incredibly significant,” Kopocis said, because there’s “no dispute” that the toxins curbed by the rule are harmful. “It’s just incredible that we had all of these pollutants being put into water bodies when the technology was available to stop it.”

And it turned out, most utilities had already moved to comply with the toughened rule. EPA officials found that only 12 percent, about 134 facilities, needed to update their technology.

Officials knew some plant operators wouldn't be able to afford the upgrades. "There might have been a plant or two that would have ended up closing," Kopocis said.

The EPA gave utilities years to raise the money needed to limit the toxicity of the liquid they released. The rule required them to start cleaning up their discharges by November 2018 and until 2023 to complete the transition.

The rule was challenged in courts around the country. Industry lawsuits said it was too difficult to comply with the rule; environmentalist lawsuits said it needed to go further. For months, cases were in limbo as they were consolidated before a single court. Industry and environmentalists tried to compel the EPA to disclose confidential business information gathered to create the guidelines — data that could be picked apart to bolster their legal arguments. The EPA asked the court for time to prepare briefs, delaying the case to 2017.

All this was pretty much par for the course for any new EPA rule.

Inside the Office of Science and Technology, Southerland's team moved forward with implementing the rule, holding webinars, writing documents and answering state regulators' questions about how to put the guidelines into practice. They continued that work as the Obama administration ended and the Trump administration brought new leadership to the top of the agency.

Art of the Deal

Standing there on that April morning, press release in hand, Southerland didn't panic.

She had navigated setbacks under all kinds of administrations since she joined the EPA in 1984. Trained as an engineer, with a doctorate in environmental sciences and engineering, she said her instinct was to brief the administrator on the science.

She gathered key staffers around a conference table and got to work.

They quickly decided their old briefing documents from the Obama administration were too technical. For 90 minutes, they outlined the contours of four briefings — one each on how the rule came together, why it was affordable, why it was necessary, and the legal challenges that might arise from further revision.

Southerland told her team they needed to give Administrator Pruitt "all the relevant facts," she said, so he "could make a good decision." He was reconsidering the rule, but before he restarted the formal rulemaking process, they hoped they could persuade him not to throw it out completely.

These were their best arguments: The rule was already being widely followed by the industry. The industry claim that the rule would cause power plants to close was likely wrong — many plants lacking the appropriate technology were already slated for retirement, pushed out by the low cost of natural gas. The delayed compliance dates would give the remaining companies time to plan and pay for the shift.

The team spent the rest of the day fleshing out details.

“We were absolutely hopeful,” Southerland said. “We thought if anything, we could talk him into repealing just a small part of it.”

They tried to get on Pruitt’s schedule, but he was booked — often with back-to-back speaking engagements, meetings and briefings with industry executives, published calendars show.

While they waited to meet with Pruitt, Southerland and her team worked on those around him. For two months, they held in-person and phone briefings with EPA lawyers, high-ranking political appointees and career staffers. In meeting after meeting, they walked different officials through the development of the rule, the legal issues related to it, and the price tag for implementing it. They received no pushback from Pruitt’s lieutenants in those briefings, staffers said, and few questions.

Finally, they had two briefings on July 14 and July 21 with Pruitt himself, packing all of their talking points into those one-hour time slots.

Walking into the administrator’s packed conference room for the first time, their hopes were high. “We assumed we had dazzled them and this was just the finishing touch,” Southerland said.

In the first briefing, the team explained how it developed the rule and calculated its costs; then, it laid out the arguments industry had raised and, point-by-point, gave potential options for solving them.

Pruitt took notes and was “attentive,” Southerland said, but asked few questions.

In the second briefing, the team laid out the bottom line of Pruitt’s options and the consequences of each. Reopening portions of the rule would likely mean even more stringent effluent limits down the road, since technology had improved since the final rule was released in 2015, they said. Repealing the entire rule would rollback all of the protections — even those that utilities supported.

Finally, Pruitt asked if there was anything else the staff wanted to say. Staffers added that municipal water utilities had expressed concern that, without the rule, they would bear the costs of

Help Us Investigate

Help Us Identify the Officials Helping Trump Roll Back Regulations

In February, President Trump ordered federal agencies to form task forces charged with finding regulations to weaken or eliminate. While the names of appointees to executive-agency task forces are typically made public, some agencies are refusing to reveal who is on their panels

keeping effluent pollutants out of the drinking water supply. Staffers also noted that putting the rule on hold would lead to confusion for states renewing discharge permits for coal plants. When the staffers finished speaking, Pruitt thanked them. The meeting was over.

On the walk to the elevator, the team was ecstatic.

“We thought we made all of our points and that we couldn’t have done a better job explaining how important and affordable this rule was,” Southerland said.

The EPA now had to hear from the public. In May, Pruitt had proposed delaying the deadline for coal plants to comply with the effluent guidelines while the agency considered whether to revise the rule entirely. The proposed rule triggered a public comment period, including a hearing on July 31 in which 71 people signed up to testify. Only three speakers were from industry. The rest begged for the effluent limits to remain intact.

“If somebody backed a tractor trailer truck of mercury up to my lawn or your lawn and dumped it on your lawn, what would you do?” said environmental attorney Robert F. Kennedy Jr. “You would say to them, ‘Clean it up. Clean it all up.’ And if they said to you, ‘Well, it’s too costly for us to do that,’ you would say, ‘I don’t care what the cost is. You have no right to do that, ever.’”

Eleven days later, Pruitt sent a letter to lobbying groups that had requested that the rule be reopened, announcing that the EPA would re-examine the pollution limits that the new effluent rule set for the two biggest sources of wastewater from coal plants, potentially erasing the thrust of the rule issued in 2015.

Not long after, Pruitt’s office announced that “substantive portions” of the other rule to regulate coal ash ponds, the Coal Combustion Residuals rule, would be reconsidered. An EPA spokeswoman said “there were significant issues” with both rules that “justify the need to take a second look.”

“We were heartbroken,” Southerland said. “We raked ourselves over the coals trying to say ‘what more could we have done?’”

Delay and Defeat

The reopened effluent rule sent ripples through the coal plant industry and beyond.

In Indiana, a company that planned to install \$400 million in upgrades postponed seeking funding for a system that would have complied with the new pollution limits. The company, Northern Indiana Public Service Co., will “revisit... investments once the EPA completes its review,” said director of external communications Nick Meyer.

The Tennessee Valley Authority — a federally owned independent power company — told state regulators it was holding off on installing new technology until 2023. The company said it was awaiting guidance from the state, which was waiting for the EPA. “We’re not delaying anything,”

Scott Brooks, the company's spokesman, said, "but when you have a rule that's suspended, you go back to what was in place prior to the guidelines that were suspended."

Frontier Water Systems, which had created a system for dry-handling coal ash waste, is already feeling the squeeze. The company has about 24 employees in San Diego, Salt Lake City and outside of Atlanta and is on track to do \$15 million in business this year. But the company's future is uncertain, since so much relies on when or if coal plants will be required to clean up their waste streams. One of the owners, Jamie Peters, said they'd consider selling their technology to China or another country if it's unsustainable here.



Southerland retired in August, but she has since been a vocal critic of EPA's direction under Pruitt. (Jared Soares for ProPublica)

"If this rule is delayed significantly or removed, we would probably have to abandon this," Peters said. "I don't think we have years; we have months."

The new rulemaking process could take a few years, former officials said, since the EPA will have to collect data about the current state of wastewater technology in order to propose a replacement standard, then go through the interagency review process again and allow for more public comments.

Now, Southerland is on the outside looking in. In an interview with ProPublica, Southerland, 68, said she opted to retire in August for family reasons, though she's been an outspoken critic of Pruitt since she left.

She made her farewell letter public, and it went viral.

"The truth is, there is NO war on coal, there is NO economic crisis caused by environmental protection, and climate change IS caused by man's activities," she wrote.

At her retirement party, she read the speech to the colleagues she was leaving behind — the ones tasked with orchestrating repeals of rules they crafted. Her scathing critique was both an acknowledgement of their current reality, and a plea to stay the course.

“I know in my heart that the majority of Americans in this country recognize that protection of public health and safety is a right and it is just,” she said. “And so this will happen. And all of you must just wait for that day to come — whether it’s two years, three years or four years: that day will come. So, do not give up. Do not feel that your efforts are going to go to waste in these four years. Because, eventually, you will overcome.”

At first, Southerland said, scientists at the agency expressed optimism that they could prevent rules they’d spent their careers to advance from being weakened or scrapped. But as time wears on, she said, that hope is fading.

More than 700 EPA employees had taken buyouts and early retirements by September, both because they oppose the agency’s current direction and to take advantage of a \$12-million initiative launched to thin the ranks.

When asked about the departures, an EPA spokeswoman said the agency has more than 1,600 scientists and that “Pruitt has assembled a staff of highly-qualified individuals to help implement the President’s agenda, and ensure that EPA will continue to promote policies that provide clean air and water, protecting the environment and human health, while encouraging economic growth.”

Southerland’s former boss Kopocis, who retired in 2015, still speaks with former colleagues and tries to remind them why they came to the EPA in the first place.

“People complain about the actions of the EPA, but when you ask about the specific benefits ... no one says, ‘I want that to go away,’” he said. “They don’t say ‘my drinking water is too safe’ or ‘the beaches are too clean. I really miss that hazardous waste site next to my kids’ school ...’

“I’ve never been in a workplace where so many people work there because they wanted to,” Kopocis said. “They got graduate degrees so they would be qualified to work at the EPA ... It’s like being a park ranger — nobody would wear that Smokey the Bear hat unless they wanted to be a park ranger.”

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Talia Buford

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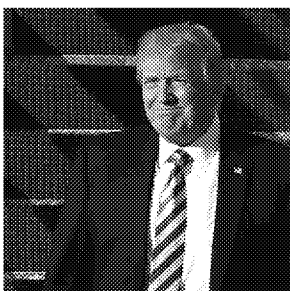
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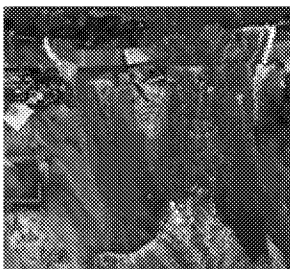
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Several experts on climate and resilience talk about the role of government. “Viewed correctly, sensible safeguards are part of freedom, not a retreat from it.”



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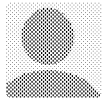
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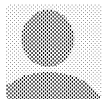


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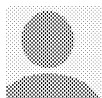
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gwayne • 18 hours ago

I am a patriotic American and will wait for my fellow compatriots to return to their senses and reverse everything that has come out of the trump-led and big money corrupted GOP. Until that time arrives, I'll voice my support for those who have never deviated from the path of truth and progress.

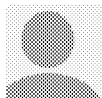
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Philipp • 5 hours ago

I think the concern is not that the transition isn't done in accordance with the law, it's just that the new administration's policies run counter to all evidence and common sense. But who needs clean water, anyway?

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Peter Times • 14 hours ago

Your closing quote: "I've never been in a workplace where so many people work there because they wanted to," Kopocis said. "They got graduate degrees so they would be qualified to work at the EPA ... It's like being a park ranger — nobody would wear that Smokey the Bear hat unless they wanted to be a park ranger." highlights the essential issues that this article discusses.

A government agency is established for the purpose of implementing the policies and decisions of the executive arm of government, which it does so in accordance with the law. It is not established for the purpose of serving the needs of career bureaucrats. You were very happy when President Obama was in charge of the executive arm, but you are very unhappy now that another president is in charge. This is what democracy is all about. It is not about government agencies having a will of their own and staffed by people with their own agenda. If you don't like it change the president, but in no way should

started by people with their own agenda. If you don't like it change the president, but in no way should a non-elected, elite determine the policies and decisions of any government agency.

Your article represents an alarming attack on democratic principles and provides another illustration of the elitist arrogance that has fueled the populist fire.

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Kelly Gaumont → Peter Times • 10 hours ago

I think the concern is not that the transition isn't done in accordance with the law, it's just that the new administration's policies run counter to all evidence and common sense.

But who needs clean water, anyway?

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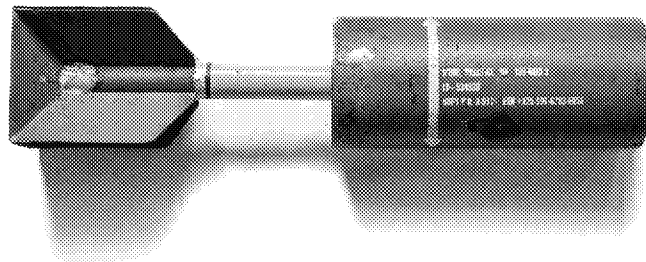
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#ENVIRONMENT

DECEMBER 18, 2017 / 5:08 PM / UPDATED 13 HOURS AGO

House plan would increase Trump's disaster aid request

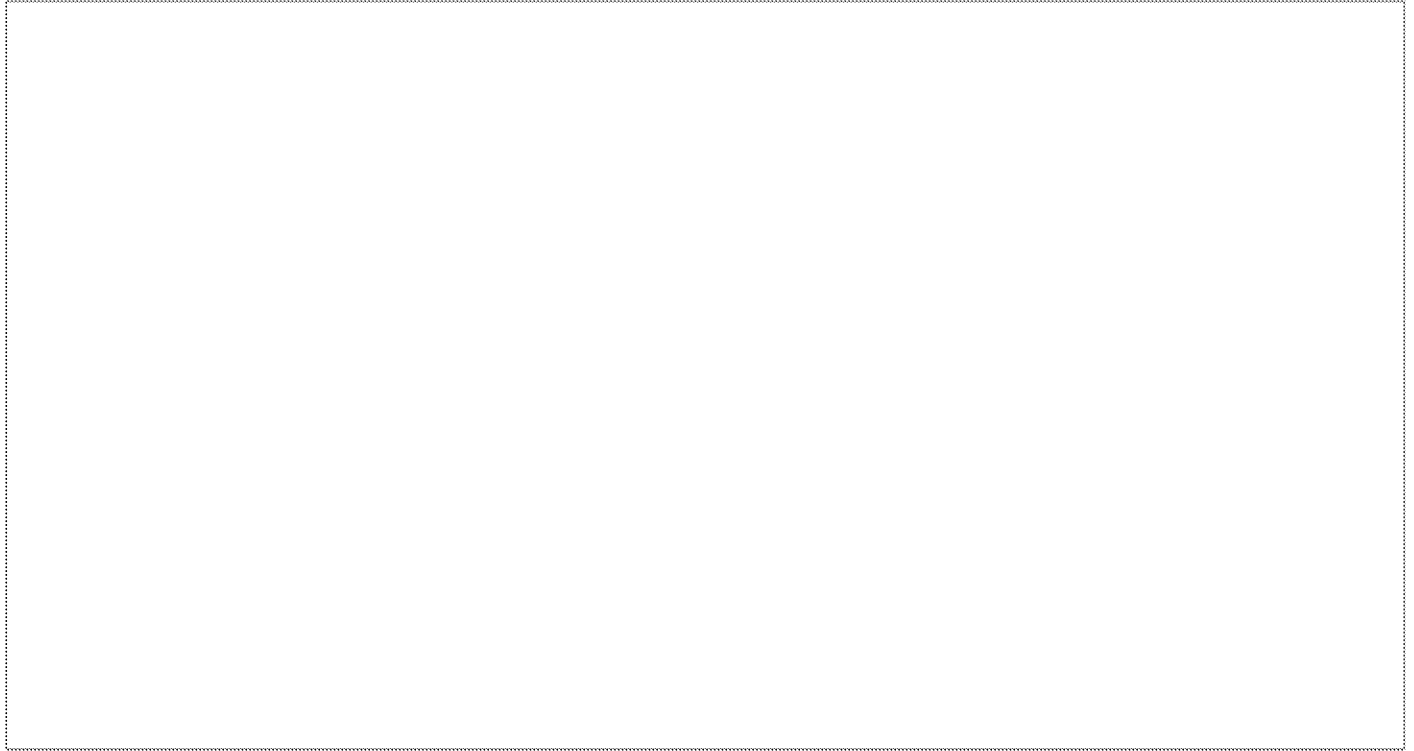
Reuters Staff



WASHINGTON (Reuters) - Republicans in the U.S. House of Representatives unveiled on Monday an \$81 billion aid package to deal with hurricanes and wildfires, far above President Donald Trump's \$44 billion request.

A woman looks as her husband climbs down a ladder at a partially destroyed bridge, after Hurricane Maria hit the area in September, in Utuado, Puerto Rico November 9, 2017. REUTERS/Alvin Baez

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The legislation would help Puerto Rico and several states recover from devastating hurricanes and California and other Western states cope with wildfires.

It was unclear whether the latest natural-disaster aid plan would be rushed through the Republican-controlled Congress this week, before the start of a Christmas recess, or await congressional votes early next year.

The bill, introduced by House Appropriations Committee Chairman Rodney Frelinghuysen, includes \$27.6 billion for the Federal Emergency Management Agency and \$26.1 billion for community development block grants.

“We have a commitment to our fellow citizens that are in the midst of major rebuilding efforts in all areas, including Texas, Florida, California, Louisiana, Puerto Rico, and the U.S. Virgin Islands,” Frelinghuysen, a New Jersey Republican, said in a statement.

Earlier this year, Congress approved two disaster aid packages totaling about \$52 billion.

Trump's \$44 billion request submitted in mid-November was widely criticized by lawmakers as being insufficient.

About a third of Puerto Rico's residents are still without power and hundreds remain in shelters three months after Hurricane Maria devastated the island.

In California, wildfires have burned more than 1 million acres (400,000 hectares) and destroyed thousands of homes.

Reporting by Richard Cowan and Eric Beech; Editing by James Dagleish and Peter Cooney

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#WORLD NEWS

DECEMBER 19, 2017 / 12:56 AM / UPDATED AN HOUR AGO

Arrested Myanmar reporters: Two book lovers dedicated to their craft

Antoni Slodkowski, Shoon Naing, Thu Thu Aung



YANGON/BANGKOK (Reuters) - In many ways Wa Lone and Kyaw Soe Oo, two Reuters journalists arrested in Myanmar, symbolize their country's emergence after decades of isolation - both from modest, provincial backgrounds, they worked hard to pursue careers that would have been impossible in the junta era into which they were born.



Following are profiles of the two journalists, who were arrested on Dec. 12 and have been held since then without contact with their families or a lawyer, accused of breaching the country's Official Secrets Act:

WA LONE

Wa Lone, 31, grew up in Kin Pyit, a village of some 100 households in the Shwe Bo district north of Mandalay, on Myanmar's dry central plain between the mighty Irrawaddy and Chindwin rivers.

One of five children, his parents were rice farmers and there was little money. His mother died from cancer when he was young.

But he was a good student, according to friends and family, and took a keen interest in news from an early age. One of his brothers, Thura Aung, remembers Wa Lone, aged around 10, watching bulletins on a shared TV in their village.

"Sometimes he would play at being an anchor," said Thura Aung, 26. "He always said he wanted to be a reporter in the future."

After finishing school at 16 he enrolled as a student at a government technical university, but left after a couple of semesters because his family could not afford the tuition.

Around 2004 he went to Mawlamyine, Myanmar's fourth biggest city, living in a Buddhist monastery where his uncle was a monk. In exchange for a place to stay, he would get up at 5 a.m. to clean and prepare food for the monks before going to work at a photo services business. Wa Lone showed a talent for design and photography, and soon set up a small photo services shop of his own, which he ran with Thura Aung.

In December 2010, having saved a little money, the brothers moved back to Yangon, where Wa Lone could pursue his boyhood dream. Living in North Okklapa township, near the city's airport, they re-established their photo services business, while Wa Lone also enrolled in a media training school and later began taking English classes.

Mindy Walker, an American teacher who met him in 2012, recalls a "skinny kid from the village who had little interaction with foreigners".

He was so nervous he fled her English class the first time he was called on to answer a question.

“We still joke about that moment and he tells every new student in our class that story so that they feel more confident,” said Walker in an email. “His heart is huge and he is always encouraging others to succeed.”

CHARITABLE FOUNDATION

Within five or six months Wa Lone had landed his first job in journalism on the weekly People's Age in Yangon, where his editor was Pe Myint - now Myanmar's Minister of Information.

In 2014, he joined the English-language daily, Myanmar Times, covering the historic 2015 general election that swept Nobel peace prize laureate Aung San Suu Kyi to power.

“As soon as I met Wa Lone, I knew we had to hire him,” said the paper's former editor, Thomas Kean. “He was thoughtful, articulate and clearly cared deeply about journalism.”

As well as providing a platform for him to excel as a journalist, the two years he spent at the Myanmar Times was a significant period in Wa Lone's life - it was there that he met his wife Pan Ei Mon who works in the paper's sales and marketing department. The couple married in April last year.

Despite the long hours chasing stories and studying, Wa Lone has still found time to write a children's book, *The Gardener*, a story in Burmese and English with an environmental message that draws on his own rural roots.

He co-founded the Third Story Project, a charitable foundation that produces and distributes stories that aim to promote tolerance between Myanmar's different ethnic groups, and is involved in projects working with orphans.

Reuters journalist Wa Lone, who was arrested in Myanmar, is seen at Reuters office in Yangon, Myanmar March 14, 2017. REUTERS/Antoni Slodkowski

Many of his weekends off have been spent visiting poor rural villages - much like the one where he grew up.

“He brings story books from Third Story and gives them to children,” said Pan Ei Mon. “He reads to them and does painting competitions and sings with the children.”

Wa Lone joined Reuters in July 2016 and quickly made his mark with in-depth stories on sensitive subjects including land grabs by the powerful military and the murder of prominent politician Ko Ni, as well as uncovering evidence of killings by soldiers in the northeast.

His reporting on the crisis that erupted in northwestern Rakhine state in October 2016 won him a joint honorable mention from the Society of Publishers in Asia in its annual awards.

He returned to Rakhine this year, after attacks by Rohingya Muslim militants on security forces in August triggered a crackdown by the army.

Covering such subjects is not easy in a country where the transition from decades of junta rule is proving painful.

“His bravery over the past year, and particularly since Aug. 25, has been incredible. It’s hard to describe the tide of ill-feeling towards journalists who question the military-government narrative on Rakhine,” said Kean, his former editor.

FILE PHOTO: Reuters journalist Kyaw Soe Oo, who is based in Myanmar, poses for a picture at the Reuters office in Yangon, Myanmar December 11, 2017. REUTERS/Antoni Slodkowski/File Photo

“As soon as one of my colleagues said, ‘Have you heard about Wa Lone?’, I knew he’d been arrested. His reporting has undoubtedly made him a target. It’s heartbreaking, infuriating and completely unsurprising.”

KYAW SOE OO

Family and friends of Kyaw Soe Oo say he has always had a love of writing, and composed poetry before becoming a journalist.

Min Min, the founder of the Root Investigative Agency, where Kyaw Soe Oo worked after starting his reporting career with the online Rakhine Development News, described the 27-year-old as “a joyful person” who had many friends.

“When I first met him in 2013, he was a poet not a journalist and not interested in journalism yet,” said Min Min.

An ethnic Rakhine Buddhist, Kyaw Soe Oe grew up in the state capital Sittwe, and was one of five siblings.

“He is a good elder brother,” said his sister, Nyo Nyo Aye, adding that her brother always stood out from the crowd.

“He was always with books. He went to the book store or second-hand booksellers. He spent all his money buying books. .”

Childhood friend Zaw Myo Thu said he avoided becoming caught up in the communal tensions between Rakhine Buddhists and Rohingya Muslims that have seethed in the city since the upheavals in 2012.

“He wrote poems. He loved to read,” he said. “He never fought with anyone.”

But it was that conflict which drew him into journalism, covering Rakhine issues. He had been with Reuters since September, reporting on the army’s crackdown in the aftermath of militant attacks on security forces on Aug. 25.

“As a journalist, he will cover news, but I think he will do it fairly because he does not discriminate between races,” said his sister Nyo Nyo Aye. “He just realises all are human.”

For Reuters, Kyaw Soe Oo worked on an investigative story about Myanmar's plan to harvest the crops of Rohingya farmers who fled to Bangladesh, and reported on how some Buddhists were enforcing local-level segregation in central Rakhine.

"He didn't tell me about the work and I never asked," said his wife, Chit Thu Win, with whom he has a three-year-old daughter. "I believed in him that he is doing the right thing and he's just following his passion. He wanted to be a writer."

Reporting by Thuy Thuy Aung, Shoon Naing, Antoni Slodkowski, Simon Lewis, Andrew R.C. Marshall and Yimou Lee; Writing by Alex Richardson; Edited by Martin Howell

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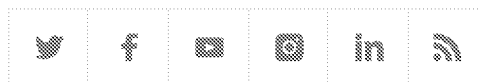
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John Berrey: Politico got it wrong on Tar Creek

2 hrs ago



As the longtime chairman of the Quapaw Tribe of Oklahoma, I take strong exception to the Dec. 6 article by Politico's Malcom Burnley ("The Environmental Scandal In Scott Pruitt's Backyard"), which showed Burnley to be an accomplished ax-grinder.

This piece indicated that Oklahoma Sen. Jim Inhofe bears significant blame for the complicated nature of the cleanup of the Tar Creek Superfund site located on Quapaw land in Northeast Oklahoma.

Even casual observers know that the complications at Tar Creek existed long before the tenure of Sen. Inhofe. When mining companies discovered lead and zinc ore on Quapaw lands in the early 1900s they were required to acquire mining leases through the federal Bureau of Indian Affairs. Many Quapaw tribal members refused to lease their land to the mining companies. Perhaps not unsurprisingly, the BIA responded by declaring those tribal members "incompetent" and went ahead and executed the mining leases on their behalf.

When the Environmental Protection Agency declared Tar Creek a national priority list Superfund site in 1983, the EPA considered the BIA, along with the mining companies, a "responsible party" because of BIA's participation in leasing the land for mining and its management of mining practices on Indian leases.

For most of the 30-plus years since being declared a responsible party by EPA, and therefore liable for the cleanup, BIA has refused to accept responsibility for the cleanup or provide any cleanup funds. In fact, because of its fear of past and future liability, the BIA fought every effort by the EPA to clean up mine waste on Quapaw tribal lands. This — not anything Sen. Inhofe did or didn't do — is the primary reason that cleanup of Tar Creek has languished for over most of the last 35 years.

In reality, Sen. Inhofe and his staff, including his former chief of staff Ryan Jackson, should get significant credit for ending the deadlock between EPA and BIA, thereby allowing the start of the cleanup of the mountains of heavy metal-laden mine waste (called “chat”) that dominate the landscape on Quapaw land. In the early 2000s, Sen. Inhofe, using his influence as chairman of Environment and Public Works Committee in the Senate and working with Quapaw tribal leaders, brought upper management of the EPA and the Department of the Interior together by facilitating an agreement and sponsoring legislation that would ease fear of liability and allow the EPA to finally begin cleanup of mine waste on tribal lands. Since then, there has been more mine waste cleaned up at Tar Creek than in the previous 30 years combined.

More than once in the article the author states that the Quapaw tribe has been “contracted” to perform cleanup at Tar Creek. This represents a fundamental misunderstanding of the facts and the nature of tribal sovereignty. Under the Superfund law, Indian tribes have the same status as states where Superfund sites are concerned. The EPA cleanup funds that the Quapaw tribe’s Environmental Office receives to clean up mine waste on tribal lands are channeled through an inter-agency cooperative agreement — a funding method identical to EPA funding provided to state agencies that participate in Superfund cleanups.

This method of cleanup funding has significant advantages over “contracting” out Superfund cleanup work. By funding a tribe or state agency to perform the work themselves, it allows work to be performed by local entities that know the communities in which they work, not to mention the lower costs that result from avoiding the usual markups of multilayered contractors.

This local control and funding of the cleanups at Superfund sites is consistent with Pruitt’s change in the focus of the Superfund program nationwide.

It should be noted that Tar Creek is the first Superfund site in the nation where an Indian tribe has been given the lead by the EPA in site cleanup. It may be news to Malcom Burnley, but the Quapaw tribe has scientists and engineers on staff to provide technical oversight and the tribe has a construction division with heavy equipment and numerous tribal employees with construction and earth moving equipment and experience. These enhancements were a direct result of tribal leaders, the EPA and Sen. Inhofe and his staff working together for over a decade to ensure that the tribe had the capacity and ability to perform this work.

It is reasonable to expect that the tribe, the most adversely affected stakeholder at Tar Creek, should benefit from the cleanup of its own lands. Accordingly, the Quapaw tribe has cleaned up more waste and returned more acres to productive use since 2013, than was cleaned up in the previous 30 years at Tar

Creek.

The article states that “(a)s EPA administrator, he (Scott Pruitt) has assumed full responsibility for the still-faltering cleanup.” As I pointed out above, the cleanup is far from “faltering,” and in fact the state of Oklahoma — seeing how the tribe has achieved unprecedented progress in the cleanup at Tar Creek — has entered into its own inter-agency agreement with the Quapaw tribe to perform cleanup of contaminated nontribal land.

This state/tribe agreement is another nationwide first at a Superfund site. Not surprisingly, after Pruitt sent his senior staff to visit Tar Creek this past summer and report back to him, they reported that because of the tribe’s more than adequate capacity to perform the work at a lower cost, and because of the tribe’s longstanding relationships with landowners and the local communities, the current remediation work at Tar Creek should be a model for bringing new approaches to large legacy Superfund sites.

Most of the article derides the Lead Impacted Communities Relocation Assistance Trust for alleged mismanagement of the relocation of residents of the Tar Creek area. Although I am not familiar with all of the inner workings of the LICRAT or the nature and validity of all of the grievances of the relocated residents, I do know that all of the residents have been removed from the hazards of the inevitable mine cave-ins that occur at the site on a regular basis.

Members of the LICRAT have also endeavored to see that the tribe ultimately receives the land that was purchased so that the tribe can ensure that the land is remediated and eventually converted into some form that can be safely used as a part of its land base.

It should also be noted that many residents living in the Tar Creek area were living on Quapaw tribal land, and in many cases, did not know it because the BIA had not been collecting rent for decades as it was required to. This resulted in some of the residents’ evident resentment toward the LICRAT’s proposed buyout offers.

After decades of exploitation, environmental devastation, mismanagement of natural resources and broken promises, the Quapaw tribe, with the help of Sen. Inhofe, Pruitt and the EPA, and the state of Oklahoma, has taken a leadership role at the Tar Creek site. With all due respect to the former residents of the Tar Creek area and Politico, the real story at Tar Creek is this: The members of an Indian tribe were promised land as a place to be Quapaw. Now they are taking it back one truckful of mine waste at a time.

John Berrey is the chairman of the Quapaw Tribe of Oklahoma.

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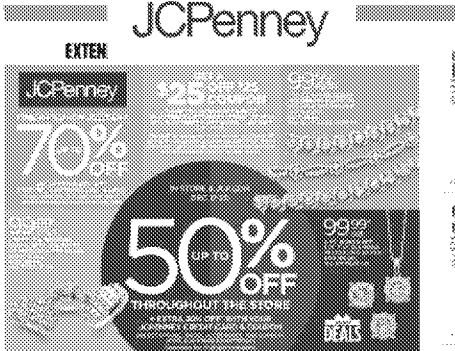
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LATEST EDITION

UPDATE: State Rep. Ron Reynolds address concerns about Wednesday's gas well blowout

By Renee Yan | 5:13 pm Dec. 18, 2017

Updated at 5 p.m. Dec. 18

State Rep. Ron Reynolds, D-Missouri City, held a press conference Monday concerning the gas well blowout that took place Dec. 6, saying representatives from the Texas Commission on Environmental Quality are still monitoring the air, according to a statement released by Reynolds' office.

"The gas well blowout spewed a strong odorous gas, hydrogen sulfide, into the air," Reynolds stated. "When an incident of this magnitude occurs, my number one priority is public health safety."



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Neil Carman, clean air program director of The Sierra Club, an environmental organization, was also present and brought up health concerns related to exposure to hydrogen sulfide.

TCEQ staff are aware of the odor and indicated the levels of hydrogen sulfide detected are below levels that would be a health concern or immediate threat to health and public safety, according to the statement. However, persistent strong odors have the potential to cause headaches and nausea, which residents have reported.

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Reynolds will continue to work with TCEQ to address residents' concerns, according to the statement. He also announced plans to prefile legislation to require TCEQ improve its rules on inspections and leak detections in order to avoid future incidents.

Updated at 4:07 p.m. Dec. 7



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The Fort Bend County Hazardous Materials team responded to an oil well blowout Wednesday near Fort Bend Parkway Toll Road and Lake Olympia Parkway around 7:25 p.m., said Alan Spears, Fort Bend County's Deputy Emergency Management Coordinator.

The county's hazmat unit remained on site until 10 p.m., monitoring the air quality in the surrounding area and checking readings every 15 minutes. He said that no hazardous chemicals were detected.

Officials have reduced the oil leak and are in the process of capping it to stop it completely, Spears said Thursday.

"It should be done by now," he said around 3:30 p.m. "But there is a pretty strong smell down there, though, and I'm afraid that's going to linger for a little while."

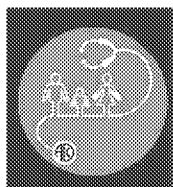
Representatives from the Texas Railroad Commission and the Texas Commission on Environmental Quality were also present.

"[TCEQ] are the ones that usually investigate that kind of thing," Spears said.

The oil well is owned by Dallas-based company IWR Operating, LLC, Spears said. IWR Operating has contracted two companies to cap the well and to continue monitoring the air quality.

Updated at 9 a.m. Dec. 7

A gas well blowout took place near Texas Parkway and the Fort Bend Parkway Toll Road Wednesday night.



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THE LATEST EDITION



However, there is no threat to the surrounding community, said Sheldra Brigham, Houston Fire Department's public information officer.

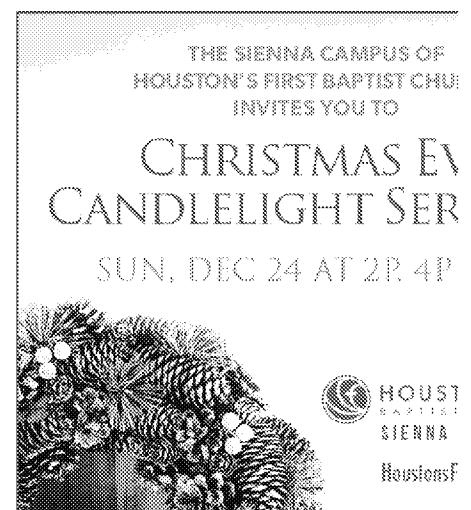
Posted at 6:30 p.m. Dec. 6

A gas well blowout took place near Texas Parkway and the Fort Bend Parkway Toll Road on Wednesday, according to a news alert from Missouri City. The Houston Fire Department is coordinating efforts to contain the issue, and the odor may affect surrounding communities, according to Missouri City's website.

"This gas well blowout took place in the city of Houston," said Cory Stottlemeyer, Missouri City's media relations specialist. "We defer to their representatives on this inquiry. All information we have on the blowout has already been shared with residents through the citizens communication tools."

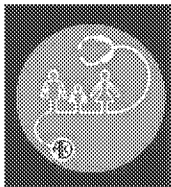
It was not immediately clear when the blowout occurred. This story will be updated as information becomes available.

COMMENT



RENEE YAN

Renee Yan graduated May 2017 from the University of Texas in Arlington with a degree in journalism and joined Community Impact as a reporter in July. She covers education, local government, business developments, and other issues for Sugar Land, Missouri City, and Fort Bend County.



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Business

Oil and gas plumes found at site of 13-year-old leak in Gulf

By Michael Kunzelman | AP December 18 at 4:58 PM

BATON ROUGE, La. — Federal regulators have found fresh evidence of an “ongoing oil release” at the site of a 13-year-old oil leak in the Gulf of Mexico, where chronic sheens often stretch for miles (kilometers) off Louisiana’s coast, according to government lawyers.

In a court filing Friday, Justice Department attorneys said recent scientific surveys revealed two plumes of oil and gas flowing from where an underwater mudslide during Hurricane Ivan in 2004 toppled an offshore platform and buried the cluster of wells owned by Taylor Energy Corp.

The New Orleans-based company has repeatedly insisted there is no evidence that oil is seeping from any of its unplugged wells on the seafloor. The government’s court filing doesn’t address whether any of Taylor’s wells could be the source of the plumes.

“There is no evidence of an actively leaking well, and all evidence continues to support the conclusion of remnant oil that has long been trapped in sediment on the sea floor,” Taylor Energy spokesman Todd Ragusa said in a statement Monday.

But the presence of the plumes could complicate the company’s efforts to negotiate a settlement that could allow it to recover millions of dollars it set aside for work to end the leak.

Taylor Energy sued the federal government nearly two years ago, seeking to recover up to \$432 million from a trust it formed nearly a decade ago. The lawsuit has remained on hold for months amid settlement talks between the government and company.

Those negotiations were ongoing when the Interior Department’s Bureau of Safety and Environmental Enforcement conducted an underwater survey of the leak site in September, using a remotely operated vehicle. Earlier this year, scientists for the government and the company also performed a series of studies at the leak site.

The survey and studies showed the two “active plumes” emanating from a depression adjacent to and partly underneath the wreckage of Taylor Energy’s toppled platform, Justice Department lawyers said in Friday’s filing. They didn’t disclose any other details of their findings.

In its January 2016 lawsuit, the company said it had eliminated two oil plumes that were present at the site in Ivan's aftermath. Sonar surveys "confirmed an absence of any plumes (well leaks) remaining in existence," the company said in a November 2016 court filing.

Taylor Energy has argued nothing can be done to completely eliminate the persistent slicks on the surface. The company has claimed the sheens are coming from residual oil oozing from contaminated sediment.

Ragusa, Taylor Energy's spokesman, said the recent detection of plumes "is not new information" and "merely refers to a well-known water column anomaly largely consisting of naturally occurring biogenic gas, which is prevalent in the Mississippi River Delta area."

But an expert said the plumes could be the source of the oil on the water's surface.

"If these plumes are associated with the oil slicks on the surface, then it's not just incidental gas common everywhere in the Mississippi River Delta," said Ian MacDonald, a Florida State University oceanography professor. MacDonald, who has flown over the leak site roughly 20 times in the past five years, was an expert witness for environmental groups that sued Taylor Energy in 2012.

Representatives of Taylor Energy and the agencies overseeing the company's response work are scheduled to meet Tuesday in New Orleans. The government "believes that this meeting will likely have important ramifications with respect to the response to the ongoing oil release from the Taylor site," Justice Department lawyers wrote.

Regulators have warned that the leak could last a century or more if left unchecked.

A 2015 investigation by The Associated Press revealed evidence that the leak is worse than the company, or government, had publicly reported.

Presented with AP's findings that year, the Coast Guard provided a new leak estimate that was about 20 times larger than one cited by the company in a 2014 court filing.

Using satellite images and Coast Guard pollution reports, West Virginia-based watchdog group SkyTruth estimated in 2015 that between 300,000 and 1.4 million gallons (1 to 5 million liters) of oil had spilled from the site since 2004. The leak site is about 10 miles (16 kilometers) off Louisiana's coast.

The mudslide during Ivan buried Taylor Energy's wells under treacherous mounds of sediment. The company plugged nine wells at the site, but has cited experts as concluding it would be impossible to plug the other 16 wells and remove the contaminated soil without risking environmental damage.

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 **0 Comments**

After Harvey, some South Texans more wary than ever about plan to build landfill near floodplain

Months after Hurricane Harvey rainfall triggered the leak of hazardous waste, new scrutiny is being paid to a company's plan to develop a landfill outside Laredo near a floodplain.

BY SHANNON NAJMABADI DEC. 19, 2017 9 HOURS AGO



An aerial view of the site of a proposed landfill by Laredo developer C. Y. Benavides. The site is about 20 miles east of Laredo. 📷 Robin Jerstad for The Texas Tribune

Nearly four months ago, Hurricane Harvey's rainfall inundated ultra-polluted Superfund

sites in and around Houston, triggering the leak of hazardous waste.

Now, 300 miles south near Laredo, a company's efforts to develop a landfill in close proximity to a 100-year floodplain is drawing fresh concerns in light of the environmental problems that emerged in Harvey's wake.

"The proposed landfill is, as far as I can tell, right in the middle of a floodplain and a creek that is an immediate tributary of the Rio Grande," said George Altgelt, a Laredo city councilman. "From a practical standpoint, who builds a dump in the middle of a creek? When did that become a good idea?"

The company behind the landfill — Rancho Viejo Waste Management, whose manager is Carlos "C.Y." Benavides III — started applying back in 2011 for the local, state and federal approvals needed to operate a waste site, or develop in a floodplain.

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The developer had originally sought to use 660 acres of a 950-acre site for waste disposal — a swath of which lies in a 100-year floodplain. Those areas are mapped by the Federal Emergency Management Agency to show places that will likely go underwater in the event of a 100-year flood.

But the frequency of those flood events, which in theory have a 1 percent chance of occurring in a given year, has increased since those federal designations were originally made, said Jim Blackburn, co-director of the Severe Storm Prediction, Education and Evacuation from Disasters Center at Rice University. "Every standard we have out there relative to flooding is obsolete or potentially obsolete in the Houston area," he said. "I suspect the same is true throughout Texas."

Though fears that the proposed landfill could be flooded during a storm have crescendoed after Harvey, the facility is no stranger to protest.

Last year, a charge of environmental racism was levied against the site because if built, it would be in the backyard of a poor, Hispanic-majority community.

Squabbling between family members, including one who has rights to an adjacent property and another who is married to a county commissioner, have spilled into public view. The company has been sued over the property rights dispute and has sued a local

floodplain administrator after she blocked the landfill's development due to flooding concerns. (That suit was later dropped.)

According to submitted documents, the landfill will take Class 1 industrial waste — toxic but non-hazardous materials including coal ash from power plants, and industrial sludge. These materials can “pose a substantial danger to human health or the environment” if not properly managed, according to a 2017 TCEQ report, and eighteen of 195 active landfills in the state accept them.

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Residents have taken issue with the type of waste that would be disposed of at the landfill, the fact it could be imported from other parts of the state and Mexico and the risk that these materials could contaminate nearby waterways or flood. And, in November, state Sen. Judith Zaffirini, D-Laredo, sent a letter to TCEQ's executive director, Richard Hyde, expressing her “grave concerns” about the proposed landfill and describing it as “inexplicable that the TCEQ would permit a toxic waste landfill in a floodplain.”

The regulatory process

Andrea Morrow, the TCEQ's media relations manager, said the agency does not keep a list of landfills located in or near floodplains. But she said that waste facilities in one “must prepare an engineering analysis and design of structures, such as dikes and levees, that remove the site from the 100-year floodplain,” and have those plans approved by FEMA and the local floodplain administration office. Proof that all that work has been done must be provided to the TCEQ.

The developer behind the Laredo landfill asserts that it has taken these steps, describing in recent documents sent to the TCEQ how parts of the site will be removed from the floodplain using dikes, drainage channels and detention ponds. The company also said it would reduce the portion of the site used for waste disposal to 72 acres, none of which are in the floodplain. The 950-acre permit boundary was not changed.

Those measures haven't placated the landfill's staunchest detractors like Arturo Benavides, a cousin of Carlos Benavides, who said some of the flood diversion structures encroach on neighboring land that he owns. He said the dams could divert stormwater from the landfill and send it surging instead onto properties nearby.

Marisa Perales, a lawyer representing a group of residents called the Stop Pescadito Industrial Landfill League, said her clients are also suspicious that “the permit boundary has not been reduced” alongside the acreage for waste disposal. “That suggests that they’re thinking that as long as they get their foot in the door and get a permit for this small site then they’ll come back later and try to expand it,” she said.

Carlos Benavides said it’s easy to “never get your hands dirty and throw rocks” and that people “want to go about [their] day and not think about” trash.

The “truth is that somebody has to think about where that trash is going to go. In our community, that happens to be me.” He previously told the Tribune the claims of racism are unfounded since he is also Hispanic and that Arturo Benavides and others who oppose the site are “jealous cousins.”

The proposed landfill’s website says it “will be a state-of-the-art facility that has the potential to serve as a national model for waste management” and “will adhere to strict regulations and oversight to protect your health and safety.” It says the site’s soil has low permeability and lists several “environmental safeguards,” including systems to monitor and protect groundwater from contamination. “We are double, triple-checking everything,” Carlos Benavides said.

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As of December, the company has received a go-ahead from FEMA and has documents pending with the TCEQ. Carlos Benavides said the company will keep trying to get a permit from Webb County, after the county’s floodplain administrator denied their most recent application in May.

Scrutiny from the Legislature

Hyde, TCEQ’s executive director, told Zaffirini in a response to her letter that the company would need an additional approval if it sought to expand the waste disposal portion of its facility. He said it’s common for municipal solid waste landfills, like the one proposed outside Laredo, to have a permit boundary much larger than what’s used for waste disposal.

Hyde listed as examples a 732-acre facility in Travis County, and a 1,345-acre site in Fort Bend, both of which accept Type 1 waste and have waste disposal areas of 259 acres and 746 acres, respectively.

“These examples hardly are comparable to the proposed [Rancho Viejo Waste Management] landfill whose permitted boundary would be a whopping 13.2 times larger than the waste disposal area,” Zaffirini told the Tribune. She is vice chair of the Senate's Natural Resources and Economic Development committee, which has been charged with studying waste disposal issues before the Legislature reconvenes in 2019.

Given “the recent, repeated and severe flooding incidents the state has experienced,” Zaffirini, told the Tribune, the Legislature “should re-examine all regulations governing the permitting of landfills in floodplains.”

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In search of a flood fix, one Houston community turned to a golf course

Clear Lake City officials say they hope the project will serve as an example of how communities can take matters into their own hands as they await the completion of large-scale flood control projects.

BY KATIE RIORDAN NOV. 17, 2017 12 AM



An aerial view of Exploration Green's first detention pond.

📷 Stan Cook

HOUSTON — In 50 years living in Clear Lake City, Spyros Varsos had never seen the floodwater get so high. During a historic rainstorm two years ago, he watched anxiously

as it quickly accumulated in the street outside his three-bedroom home. So this summer when even heavier rains drenched the greater Houston area in the wake of Hurricane Harvey, he was even more fearful.

But his home didn't flood. For that, he credits some precautions he took of his own, like clearing debris from the drains on his street. What he said made an even bigger difference, though, was a nearby flood control project that wasn't even completed yet.

A few blocks away from Varsos' house, the Clear Lake City Water Authority has embarked on a \$28 million project to retrofit a shuttered golf course with five detention ponds that will be able to hold half a billion gallons of stormwater.

Only one of the ponds was near completion when Harvey hit. Still, it prevented about 100 million gallons of water from pouring into the drainage system. John Branch, the water authority's board president, estimates the pond — only 80 percent excavated at the time — saved 150 area houses from flooding during the historic downpour.

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As a post-Harvey Houston figures out how to protect itself from the next big storm, he and other local officials say they hope the project will serve as an example of how communities can take matters into their own hands as they await the completion of large-scale flood control projects.

Branch said the nearly 200-acre golf course was coveted real estate in a flood-prone area that likely would have been turned into condos. But he said developing the land would have worsened flooding in the coastal community about 30 miles southeast of downtown Houston — home to NASA's Johnson Space Center.

The water authority wanted to reduce area flooding and keep the area "green," he said. It purchased the land in 2011 for about \$6 million.

A nonprofit group, the Exploration Green Conservancy, formed to partner with the water authority to reimagine the space as a community park situated around the detention ponds. Some residents have pushed back against the project, but Branch said support has remained strong to keep the project moving forward.

"We don't want it to just be a hole in the ground, we want it to be something nice," he said. "Unless there's a hard rain, the public can use it every day for something other than

flood control.”

When it's complete in 2021, the nature park, called Exploration Green, will have miles of hike and bike trails and acres of wetlands. The nonprofit conservancy will manage the park, and the water authority will maintain the detention ponds, Branch said.

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Older areas of Houston like Clear Lake City — a master-planned community built more than half a century ago — sprung up at a time when developers were not required to offset the impacts of their development on flooding problems through measures like detention ponds, Branch said.

Experts say detention-pond infrastructure is vital in older, flood-prone parts of the city and has helped reduce flooding damage in some areas where it was implemented as part of the development.

"One of the best hopes [to prevent local flooding] is to add in green space and detention ponds wherever we can in these areas — what I call legacy flood-problem areas — that were built early on," said Phil Bedient, a Rice University engineering professor who studies surface water hydrology.

Bedient said detention ponds are a relatively newer feature in Houston; They weren't common in the city until the mid-1980s, when Harris County began requiring developers incorporate them into building projects.

While detention ponds won't prevent all localized flooding, Bedient said they are a necessary complement to larger-scale projects underway throughout the Houston area such as a bayou widening and increasing the capacity of drainage infrastructure.

Alan Black, the Harris County Flood Control District's director of engineering, said the county is always looking for locations to add water detention infrastructure.

The district, in partnership with the city of Houston, is pursuing a project similar to the one in Clear Lake City that will outfit a 227-acre golf course in a well-established northwest Houston neighborhood with 10 detention ponds.

Recreation areas are expected to be incorporated into the ongoing project, which is estimated to cost more than \$30 million, including the cost to purchase the property.

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Black called the project “unique” and “extraordinary” because of the amount of added detention space it will provide in a developed neighborhood.

Defunct golf courses can be useful locations for flood control projects because of how much contiguous land they can take up in the middle of neighborhoods, Black said. (They also appear to be increasingly available for purchases as their popularity declines). But they are not the only option — unused parking lots or industrial sand pits can be ideal sites for flood control projects, too, as long as they are near water channels, he said.

Bedient said buying out flood-prone homes — something both the city and county are pursuing with fervor post-Harvey — also can create absorbent green space.

A big barrier to the success of such programs is how expensive they are.

The high cost of buying land in developed areas for flood control projects is often a limiting factor, said Black.

“As you get more and more urbanized, it’s harder and harder to find what I’ll say [is] ‘cost effective’ property that you can then build a detention basin,” Black said.

But Branch, the Clear Lake City water authority official, says their project is worth the expense. When Exploration Green is completed in about four years, he estimates that up to 3,000 homes will no longer be in either the 100- or 500-year floodplain — areas with a 1 percent or 0.2 percent chance of flooding in any given year.

It also will be a huge boon to quality of life in the area. The almost 200-acre spread will house bird habitat islands, athletic fields, native grasses, thousands of trees and recreation trails.

“It’s certainly important for drainage, but it’s important for kids growing up here to have a place just to do stuff that kids do,” said Doug Peterson, the vice chairman of the Exploration Green Conservancy.

Despite the huge difference he thinks the project will make, Branch concedes there is no silver bullet to flood problems. Detention ponds are only a small, if but important, part of it, he said.

Still, he said the time is now for communities to take flood control into their own hands.

"Look for short-term solutions and long-term solutions," he said. "And take advantage of opportunities as quickly as you can."

Disclosure: Rice University has been a financial supporter of The Texas Tribune. A complete list of Tribune donors and sponsors is available [here](#).

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THE LEADER IN ENERGY AND ENVIRONMENT NEWS

PUERTO RICO

'No one is exempt from the aftermath'

Arianna Skibelt, E&E News reporter • Published: Monday, December 18, 2017



Angel Flores, 66, and Juan Correa, 81, pass the time exchanging jokes and playing traditional Puerto Rican music on the side of a highway near the west coast of Puerto Rico. Arianna Skibelt/E&E

First of a series.

RINCÓN, Puerto Rico — The road from central San Juan to the Western Coastal Valley is flanked by fallen telephone poles, downed power lines and trees whose mangled trunks bend northwest, the direction traveled by Hurricane Maria.

Almost three months since the Category 5 monster's rampage, government trucks are still hauling away storm debris as cars inch timidly through intersections without working traffic lights. The hurricane left Puerto Rico's 3.4 million residents without power, and parts of the island remain in the dark.

While the tropical trees and shrubs have rebounded, with lush green springing from denuded branches and eroded hillsides, the people are struggling to put their lives back together.

Alex Acevedo is a worker at a mini-mart and gasoline station in the west coast beach town of Rincón. He said getting to and from work continues to be a challenge. "How do I get to my house? How do I get to other places? You can see: the poles down, cables on the street."

Thousands of people have left for the mainland, hundreds of businesses have closed their doors, the island could be on the brink of a housing meltdown and Gov. Ricardo Rosselló today ordered a review of the total death count after outside analyses found the number closer to 1,000 — higher than the official count of 64.

As the adrenaline of survival is waning — and quotidian routine returns — a pervasive desperation around the island persists.

Rincón, known for its surfing, scuba diving and iconic Punta Higuero Lighthouse, is usually bustling with tourists. Now the main drag is populated by mix of federal government workers and locals. The sky is a bright blue, reflected in the still waters where the Caribbean Sea meets the Atlantic Ocean.

In between a deserted Tiki bar and closed tourist information storefront, an "open" sign hangs on the door of a gift shop. Inside, shot glasses, hats, T-shirts and other knickknacks sit untouched.

"We depend maybe 95 percent on tourism," said Kristy Moreno, 21, who tends the cash register at the empty store. "I don't think tourists are going to come here for a while."



Kristy Moreno works at a gift shop in the tourist-driven city of Rincón. With reduced work hours and increased panic attacks, the 21-year-old is struggling to make ends meet. Arianna Skubell/E&E News

Wearing a bright floral top and jeans, her long, curly hair held by a headband, Moreno said she's been suffering anxiety attacks since the hurricane.

"I try to get in my car and have them there," she said. "I don't want my husband to see that, because then he gets desperate. And I don't want his family to see that, either."

Moreno's family has been under financial stress since her work hours were cut and her

husband lost his job at a gasoline station in Maria's wake. The couple has moved in with his grandparents, she said.

"Then they told me they were going to cut [my hours] down a little bit more, so I got frustrated," she said. "I remember the day they told me, I couldn't sleep. I was crying, like I was having an attack. I remember my husband told me, 'Don't panic. Stay calm.' And I'm like, 'I can't'"

Moreno left for a time to visit her uncle and other relatives in Orlando, Fla. She found a job, but after a month started feeling depressed. She returned to Rincón.

"I've seen that even though there's no electricity, the gas line has gone down, the supermarkets are OK and everything," she said. "We're kind of getting used to the situation."

When Maria hit, Moreno was taking care of her grandparents. In preparation, she locked the windows and pushed a couch against the front door since "they were recommending that on the news." But as wind and rain intensified, water poured in through closed windows and doors.

"It was horrible," she said. "We had 2 inches of water in the house. I [could] see the cars getting hit. My grandpa's car window broke."

When the storm finally passed, Moreno saw the roof of her cousin's house in the street.

"I started running," she said. "It was a bunch of trees in the middle to get to her house, and I was jumping all over them and yelling her name, and she didn't answer."

Her cousin was unharmed, and the rest of her family likewise escaped without serious injuries. But a week after Maria, her grandmother, who had terminal cancer, took a turn for the worse.

"She had run out of oxygen," Moreno said. Hospice workers who oversaw her grandmother's care hadn't returned to work since the hurricane.

"I remember I went to her, she was in bed. She looked different," Moreno said. "But I talked to her. I always talk to her. I went and I bought some milk for her. And then when I was leaving — she always used to bless me in a special way — and I remember she didn't."

While Moreno and her family had been expecting her grandmother's death, having it accelerated by the hurricane made it even more difficult.

"They already told us it could happen any time," Moreno said. "But not in this situation. We didn't want it that way."



[+] Claudine Helmuth/E&E News

'We cannot lay down'

Moreno said she appreciates that people are trying to stay positive, but the post-hurricane slogan "*Puerto Rico Se Levanta*" — "Puerto Rico rises" — isn't "realistic."

Half a mile down the road, the slogan seems to be helping buoy Acevedo, the service station worker.

"Our spirit has to be to keep on working. We cannot lay down, because if you lay down — if we lay down — our kids are going to see that we're laying down," the father of three said. "They are the ones that are going to suffer."

He added, "So we're going to keep up like nothing happened. We're going to keep on."

Acevedo, 42, wears a red polo shirt. His tightly cropped hair mirrors his close shave. Behind him are shelves stocked with booze and cigarettes.



Alex Acevedo, 42, works at a gas station and mini-mart in Rincon. The store's abundant alcohol stock has kept business relatively steady in the hurricane's aftermath. Arianna Skibell/E&E News

A tall man in a Hawaiian shirt and straw fedora walks into the gas station to pay for the canister of fuel he filled at the pump. Immediately after the hurricane, gasoline was scarce, Acevedo said. But because of the mini-mart, business has been somewhat steady.

"Well, we've got a lot of beer, we've got a lot of drinking," he said. "People stand outside at the bar, and they drink and they talk. So that's a way to take out [off] their minds the problems they have after the hurricane."

Maria flooded Acevedo's house, he said. While his windows were secured, water poured in through the power outlets. And now rains swamp his house.

"It's still flooding. There was mold, and there's still mold you can see on the tiles," he said. "My house is white, and now it's being brown and black."

Though Acevedo doesn't have electricity, he bought a generator before the storm, which has allowed his family to cook and charge their phones.

"The generator is a part of our family now," he said.

The blackout in Puerto Rico is the longest power outage in recent U.S. history. And while many have criticized the federal government's inability to aid Puerto Rico more quickly, Acevedo sees his territory's connection to the United States as a plus.

"If we [were] in Dominican Republic, if we were in Haiti, if we were living in Africa, I would say I would be worried," he said. "A lot of people don't understand that because of the USA, we are adapting, we can stand up. If it weren't because of the USA, we cannot be stepping up."



Kimmy Carrero, 33, and Gabriel Vera, 29, returned from dinner at Applebee's in Mayaguez to spend the night in their home for the first time since the hurricane hit. Arianna Skibell/E&E News

'Focusing on surviving'

Fifteen miles south of Rincón, in Mayagüez, Kimary Carrero and Gabriel Vera return from dinner at Applebee's to spend the night in their home for the first time since the hurricane.

The couple has been living with Carrero's parents, but they were finally able to install their own generator.

"You couldn't find a generator anywhere," said Carrero, 33, a singer and the owner of a custom trophy business. "My mom went to Home Depot, and she was begging the guy to let her know when they were coming, and he was like, 'No, I can't tell you.'"

Carrero's mother persisted, she said, leaving the man her phone number. He called and told her to arrive at 4 a.m. on the day of the generator shipment. Even then, she had a three-hour wait.

"After Hurricane Maria, everywhere you go there's lines — for the bank, for gas, for everything. It took her three hours, and that was nothing," she said. "Before, it was 14 hours waiting for gas. It was a whole day to just get money out from the ATM. So three hours is nothing, really."

It took two more weeks before the couple could get the materials needed to install the generator. "Everything is out of stock, and everything is taking very long to get here," Carrero said.

Carrero walks to the basement to fiddle with the circuit breaker, while Vera, her 29-year-old husband, starts up the long-awaited generator. The loud, familiar whirring begins. And after a few unsuccessful iterations and combinations, Carrero flicks the right switch and the lights turn on.

"Ah! There we go!" she exclaims.

Using music to cope
A roadside interview with
Puerto Rican musicians

2:35

E&E News's reporter Arianna Skibell interviewed musicians Angel Flores and Juan Correa on the side of a highway near the west coast of Puerto Rico about their life after Hurricane Maria. [Read a transcript.](#)
Editing and production by Arianna Skibell.

Upstairs, Carrero and Vera sit on a white leather sofa in their now-illuminated living room. The two dogs roll around on a shaggy carpet, intermittently barking until pet.

After the hurricane, Carrero was forced to close one of her two businesses and cut operation hours of the other. People aren't interested in customized trophies and plaques these days, she noted.

"Right now, people are focusing on surviving and getting their basic needs," she said. "It's moving, but not as it used to, so we have to make cutbacks."

The night of the hurricane, Carrero and Vera huddled in bed with their two dogs, waiting for the storm to end. "I felt like in the scene of 'Titanic' where they're drowning and they're in bed waiting for the world to end," Carrero said.

In the morning, water cascaded from windows like waterfalls. And for the next 14 hours, the family formed a bucket brigade.

"We had time to have breakfast, and then it was till like 11 at night, getting water out of the house," she said. "I couldn't go to sleep because my arms hurt so much."

One of the dogs begins to whine, so Vera moves from the couch to the floor, taking the pup in his arms to kiss and hug it until it calms down.

"No one is exempt from the aftermath," Carrero said. "Everyone is trying to pretend that they're OK because you always know there's someone else that's worse than you."

Vera looks up from the dog. "You don't know what's going to happen every morning," he said. "It's tough."

Carrero added, "People get very desperate. I've been desperate."

People have fled

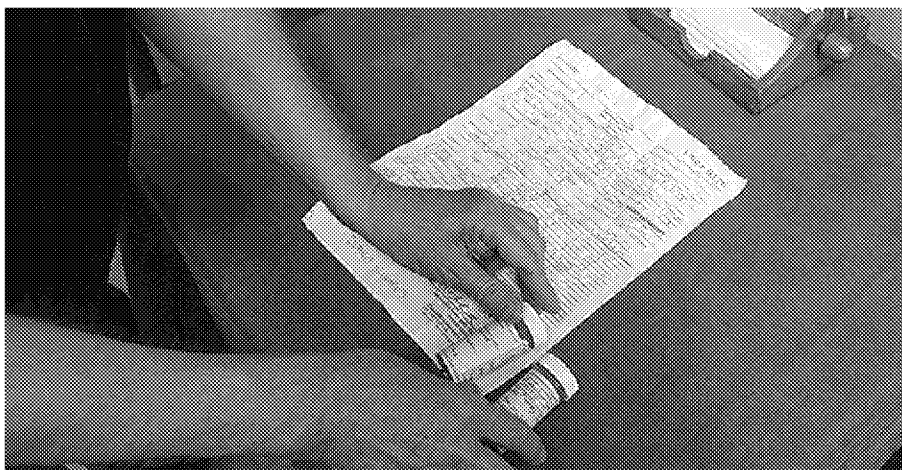
On the southern route from Mayagüez to San Juan, the dense urban area opens to sprawling green fields. Near the southern town of Salinas, a giant wind farm stands completely still, defying the breeze.

Farther north, the blacktop turns to cobblestone in the historic neighborhood of Old San Juan.

Inside an empty restaurant sits Deborah Olivares. The middle-aged British transplant has been unemployed since the hurricane hit. Her graying hair is tied tightly back. She looks tired.

She pulls antibiotics from her purse to help her battle intestinal problems that began when she drank untreated water.

"I drank the water out of desperation, and it was stupid because I was violently sick," she



Out of desperation, Deborah Olivares drank the water in San Juan. She became violently ill and went on antibiotics to combat severe diarrhea and vomiting. Arianna Skibell/E&E News

said.

Her rashes, severe diarrhea and vomiting aside, Olivares said the worst part of Maria is the mass exodus it spurred. More than 100,000 people have left Puerto Rico since the storm.

"I have 30 friends who have just left the island," she said. "We didn't have that luxury. Or even if I did, I wouldn't have left anyway. I love it here."

Twitter: @AriannaSkibell | Email: askibell@eenews.net

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HURRICANE HARVEY**Texas criticized for lack of transparency in spending***Published: Monday, December 18, 2017*

Awarded billions of dollars in federal aid after Hurricane Harvey, Texas has been accused of a lack of transparency in how the money is spent.

Records do not show whether contracts and expenditures are storm-related, which makes tracking funds difficult. For example, a Legislative Budget Board report shows the state Health and Human Services spent more than \$1 billion but offers no details on where the money went.

Recovery experts say the opacity hurts coordination efforts, increases fraud and hinders the rebuilding effort, both in terms of recovery and mitigation for the next storm.

The state has received \$11 billion in federal disaster aid, and the state has requested \$61 billion more for infrastructure projects. The money spent via federal agencies is trackable through public, frequently updated databases.

But more than \$500 million has gone directly to state agencies and local governments, and how this money is spent remains unclear.

Local officials are responsible for keeping receipts in case of audit.

There's also the issue of state contracts to private companies: Records do not indicate which ones are related to storm recovery. The state claims to be working on a way to differentiate.

Texas is squandering opportunities for full recovery and better infrastructure, according to Marc Ferzan, who coordinated the response to Superstorm Sandy in New Jersey.

"If everyone's kind of doing their own thing, it's very possible, from a hazard-mitigation standpoint, that things won't be effectively coordinated. Without a centralized approach, things can even function at cross purposes," Ferzan said (Emily Schmall, [Associated Press](#), Dec. 17). — NB

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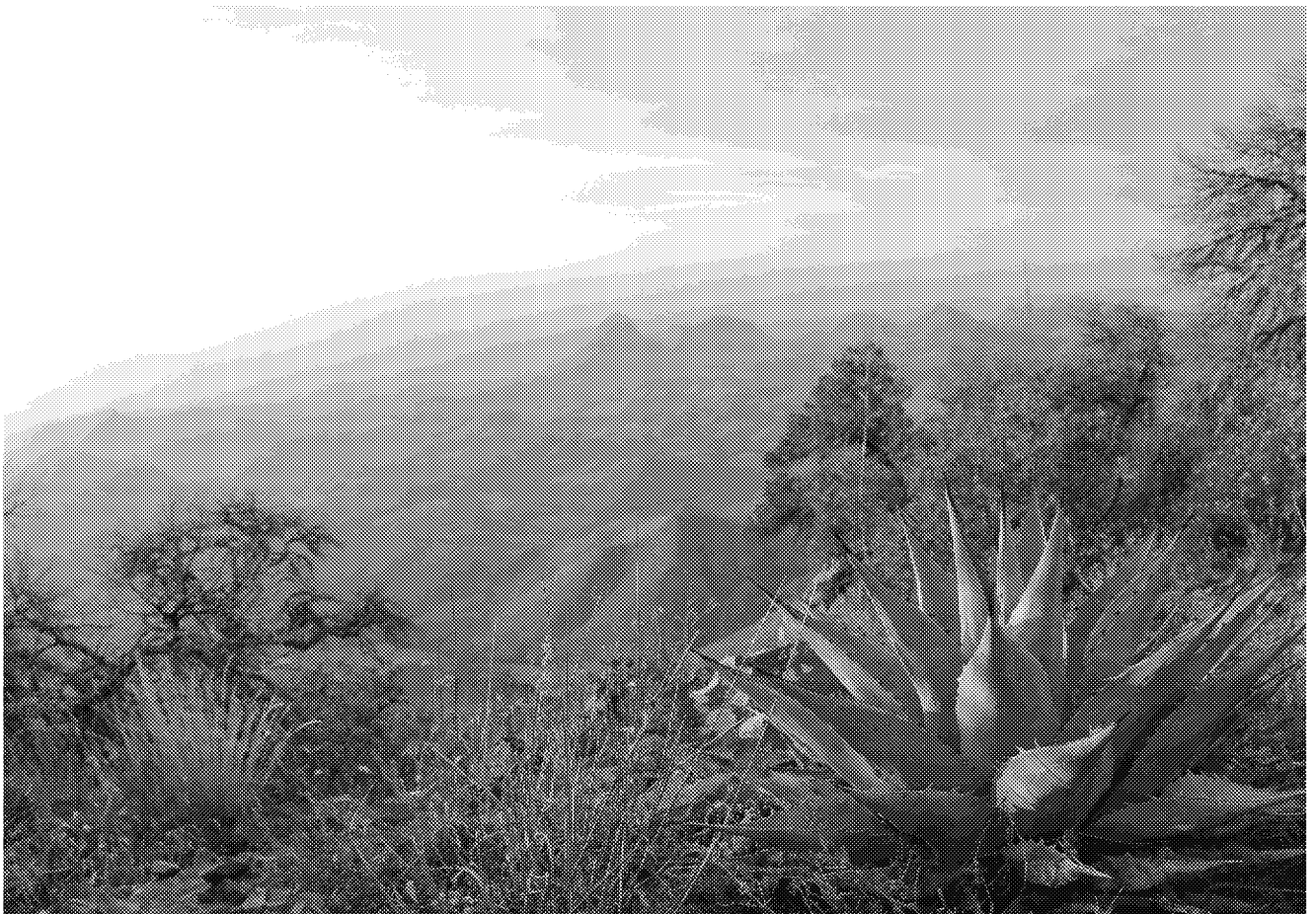
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ENERGY & ENVIRONMENT

Environmental Groups Sue EPA Over Latest Texas Haze Rule

The new plan gives Texas power plants alternatives to installing costly emissions controls

TRAVIS BUBENIK | DECEMBER 18, 2017, 4:23 PM



David Fulmer via Flickr

A view from the South Rim trail at Big Bend National Park on a hazy day.

Environmental groups say the [Environmental Protection Agency](#) is taking a “do-nothing” approach to dealing with pollution in Texas.

On Friday, a coalition of groups [sued](#) the agency over the latest version of a rule meant to reduce haze in scenic parts of Texas and the U.S., saying it doesn’t go far enough.

There is consensus on one point: that haze in national parks is a problem. The EPA [acknowledged](#) that when it finalized its new haze clearing plan in October, saying that average visibility in many national parks and wilderness areas is “about one-half to two-thirds of the visual range that would exist without anthropogenic air pollution.”

Stephanie Kodish is an attorney with the [National Parks Conservation Association](#), which worries about pollution in the Big Bend and Guadalupe Mountains parks coming from power plants.

“Not only do these sources compromise visibility, but they also affect visitor health, and they’re the same sources that have an impact on the climate,” Kodish said. Her group and others argue the Obama Administration’s approach to cleaning up haze would’ve had better results.

The new plan gives Texas power plants alternatives to installing costly emissions controls, one of them being an [emissions trading program](#) within the state.

The EPA said its policy is to not comment on pending litigation, but in deciding on the new rule, the agency had considered [arguments](#) from Texas power companies that the old version would’ve been unnecessarily costly, and that it was an example of federal overreach. The groups suing are also [formally petitioning](#) the EPA to reconsider the new rule.

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Travis Bubenik

ENERGY & ENVIRONMENT REPORTER



Travis Bubenik reports on the tangled intersections of energy and the environment in Houston and across Texas. A Houston native and proud Longhorn, he returned to the Bayou City after serving as the Morning Edition Host & Reporter for Morning Edition Public Radio in Far West Texas. Bubenik was previously the...

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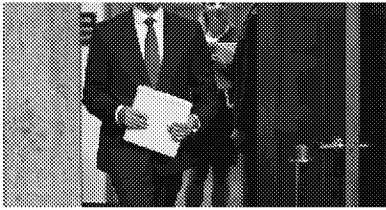


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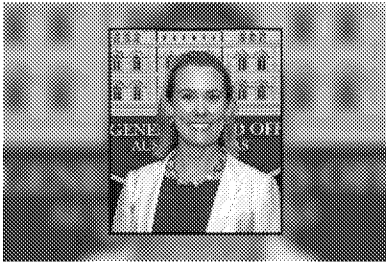


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THE LEADER IN ENERGY AND ENVIRONMENT NEWS

AIR POLLUTION**White House reviews EPA bid to repeal oil and gas guidelines**

Sean Reilly, E&E News reporter

Published: Monday, December 18, 2017

U.S. EPA is proceeding with its planned repeal of Obama-era guidelines intended to curb smog-forming emissions from existing oil and gas operations.

The agency forwarded a proposed withdrawal notice Friday of the "control techniques guidelines" to the White House Office of Management and Budget for a standard review, according to the Reginfo.gov website. That was one day after the agency leaders telegraphed their interest in repeal with a short notice in their latest rundown of planned regulatory actions ([Greenwire](#), Dec. 15).

EPA is set to formally seek public comment on the proposal as early as next month. While agency spokesmen have declined to comment for the record on the move, it would mark another step in the Trump administration's quest to roll back restrictions on energy producers over objections from public health and environmental groups.

Industry groups, citing the guidelines' potential expense to small producers, back the repeal. But at the American Lung Association, Senior Vice President for Advocacy Paul Billings in an email today called it "another reckless step" to "undermine state efforts to protect the public from dangerous ozone pollution."

EPA had issued the guidelines in October 2016 as part of a strategy to cut releases of volatile organic compounds from existing oil and gas facilities.

Strictly speaking, they are not regulations but recommendations for states to consider in implementing pollution control requirements in areas that are in "moderate nonattainment" or worse for the 2008 ground-level ozone standard of 75 parts per billion. They also apply in the Ozone Transport Region, which encompasses 11 Northeastern states, the District of Columbia and Northern Virginia.

Ozone, the main ingredient in smog, is a lung irritant produced by the reaction of volatile organic compounds and nitrogen oxides in sunlight. While implementation of the 2008 standard is continuing, EPA in 2015 tightened the threshold to 70 ppb.

The agency is now facing lawsuits from Democratic-led states, as well as the lung association and other advocacy groups, over its failure to meet a statutory Oct. 1 deadline for making all attainment designations for the 2015 standard.

In a brief interview last week, Bill Wehrum, EPA's recently installed air chief, predicted the process would be completed by next spring ([E&E News PM](#), Dec. 12).

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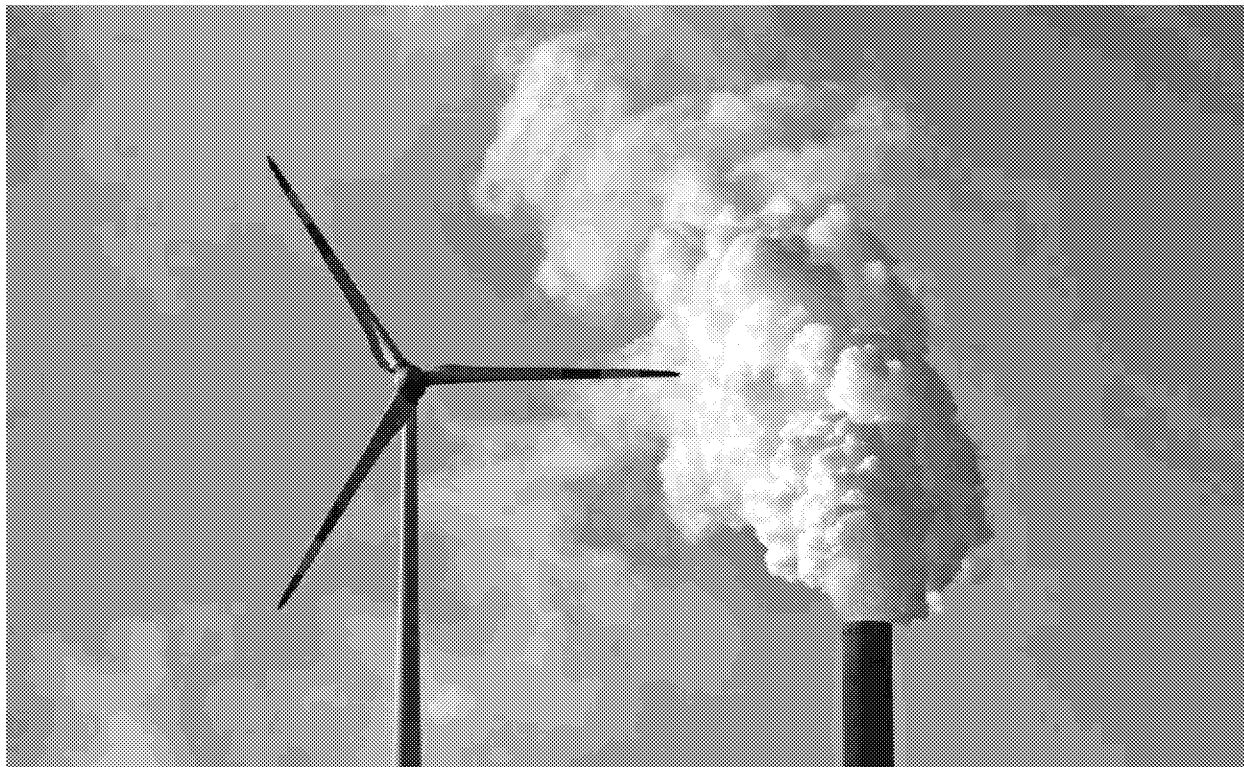
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<http://www.chron.com/business/energy/article/EPA-considers-new-carbon-rule-for-power-plants-12439436.php>

EPA considers new carbon rule for power plants

By James Osborne Updated 2:47 pm, Monday, December 18, 2017



A coal-burning power plant steams behind wind generators in Gelsenkirchen, Germany. In Bonn, the global climate talks ended a two-week run Saturday morning after an all-night session.

WASHINGTON - The Trump administration appears to be moving towards placing some restrictions on greenhouse gas emissions from power plants, ahead of what is expected to be a long legal fight over the administration's plan to repeal a similar regulation put in place by former president Barack Obama.

The Environmental Protection Agency stated it is considering "considering proposing emission guidelines to limit greenhouse gas (GHG) emissions from existing" power plants and is seeking public comment on "the proper respective roles of the state and federal governments in that process," according to a internal document obtained by Axios.

The EPA did not immediately respond to a request for comment on the document.

RELATED STORY: Trump faces next climate hurdle

Such a move would come as a blow to some conservative supporters of President Donald Trump, who have lobbied the administration to challenge the EPA's finding that carbon dioxide and other greenhouse gases present a danger to public health.

That finding in effect requires the government to regulate those emissions.

But the Trump administration has so far held off doing away with the so-called endangerment finding, a leap many attorneys believe would result in a years long legal fight that is unlikely to prove successful considering an existing Supreme Court decision that greenhouse gas emissions qualify as a pollutant under U.S. law.

EPA Administrator Scott Pruitt announced in October he was repealing Obama's Clean Power Plan, a sweeping regulation that was expected to force coal plant closures across the country.

"When you think about what that rule meant, it was about picking winners and losers. Regulatory power should not be used by any regulatory body to pick winners and losers," Pruitt said.

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City shifts from water tanks to well reserves

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Photo by Kathryn Penrose/Gonzales Inquirer

GI

The City of Gonzales has shifted water delivery from the city's water supply tanks to the city's water well system, after particles were found in the water supply last week. Right now, City Manager Sean Lally is waiting for answers from the Texas Commission on Environment Quality before deciding the next step.

KATHRYN PENROSE/GONZALES INQUIRER

Posted Tuesday, December 19, 2017 6:04 am

By Kathryn Penrose
news@gonzalesinquirer.com

GONZALES — On Friday, Dec. 15, the City of Gonzales shifted water delivery from the city's water supply tanks to the city's water well system.

According to city officials, this measure has been taken to address residents' concerns over particulate in the water supply.

According to City Manager Sean Lally, the water has been tested and particles were found in the water supply. The samples have been sent to Texas Commission on Environmental Quality (TCEQ).

"There has not yet been a confirmation from TCEQ on what the particulate is, but we suspect the matter may be coming from a filtration mat in one of the city's water supply tanks," Lally said. "We are hoping for an answer this week."

Until Lally receives the answers he is looking for, the city has shut down the supply tank in question.

"I have had no reports or citizen calls about particles, since switching away from that tank," Lally said. "So that's a good sign."

With the change of delivery, there are some restrictions. The City is asking residents to conserve water by not watering shrubs or lawns.

The city's water supply is taken from the Guadalupe River and sent to holding tanks from the city water production facility.

"Those tanks are sitting dormant right now," Lally said.

The water being delivered by the city right now is coming from holding tanks on FM 532 (Moulton Road) and on North 183 Business Street, at the Public Works. Both of these tanks are fed by the city's water well supply.

Lally said he and city staff are working diligently with TCEQ to resolve the origin of the particulate matter and updates will be available as new developments occur.

Officials are asking that questions or concerns be directed to City Hall, at 830-672-2815.

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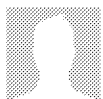
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